

**Mental Health Act 1983**  
**Instructions with Respect to the Exercise of an Approval Function in**  
**Relation to Section 12 Doctors 2015**

**SECTION 12 APPROVAL/REAPPROVAL GUIDANCE**

Drawn from the above Instructions

**PROFESSIONAL REQUIRMENTS FOR ALL DOCTORS**

The person must be –

- A registered medical practitioner with special experience in the diagnosis of mental disorder or treatment; and
- Hold a full registration with a licence to practice from the General Medical Council.
- Has provided an enhanced criminal record certificate under section 113B of the Police Act 1997 (e) (“an enhanced criminal record certificate”) including suitability information relating to children under section 113BA(a) and vulnerable adults under section 113BB(b) of that Act
- Is a person who is, or is a partner in a partnership that is, registered under Chapter 2 of the Health and Social Care Act 2008(e);
- Is currently employed by a person or a partner so registered; or
- Has provided an enhanced criminal record certificate which is subject to up-date arrangement within the meaning give in section 116A(3)(d) of the Police Act 1997 (updating certificates) and has provided up-date information that there is no information recorded in the central records which would be included in a new certificate but is not included in the current certificate .
- The applicant has, within the twelve-month period immediately preceding the date of the application for approval, completed a two day section 12 induction training course or one day section 12 refresher course for reapproval.
- If the applicant has completed all their training, or a part of their training which the approving body considers substantial, outside England or Wales, and has not previously been a section 12 doctor, of the steps the applicant has taken to familiarise themselves with psychiatric practice and the organisation of psychiatric services in England or Wales, including the practical application of the 1983 Act. (This can be achieved by undertaking a psychiatric post for a minimum of three months in England or Wales).
- The applicant has provided an up-to-date curriculum vitae.
- The applicant has provided the contact details of two referees who meet the following requirements:
  - Each referee must have known the applicant for a period of time which the approving body considers reasonable in the twelve-month period immediately preceding the date of application ( a minimum of three months):

- One referee must be a consultant psychiatrist who is a section 12 doctor, and the other referee must be one of the following:
- An approved clinician.
- A consultant psychiatrist who is a section 12 doctor.
- A person who is currently responsible for undertaking the applications professional appraisal.
- An approved mental health professional with whom the applicant has worked for a period of time which the approving body consider reasonable within the twelve-month period immediately preceding the date of application; or
- The applicant's current medical director or clinical director (or a person the approving body considers to be equivalent to the applicant's current medical or clinical director)

**INITIAL APPROVAL FOR MEMBERS OF THE ROYAL COLLEGE OF PSYCHIATRISTS (MRCPsych) (Affiliates are not members of the RCPsych)**

**Criteria 3.1** Be a member or fellow of the Royal College of Psychiatrists.

Provide evidence which the approval body considers showing satisfactory participation in continuing professional development – either by way of a RCPsych CPD certificate or 50 hours signed off by at least two peer group members;

Or ARCP for doctors in an MRCPsych or GMC approved training programme.

Complete the application form for approval without error.

Provide a full CV

Provide evidence of attendance at the section 12 induction course

And have met the above professional requirements or

**INITIAL APPROVAL FOR DOCTORS ON THE SPECIALIST REGISTER IN PSYCHIATRY**

**Criteria 3.2** Be a specialist in psychiatry or a person included in the GMC Specialist Register as a specialist in respect of a specialty that the approving body consider to be equivalent to psychiatry.

- Provide evidence which the approval body considers show satisfactory participation in continuing professional development – either by way of an RCPsych CPD certificate or 50 hours signed off by at least two peer group members.
- Complete the application form for approval without error.
- Provide a full CV
- Provide evidence of attendance at the two-day section 12 induction course

And have met the above professional requirements.

## **INITIAL APPROVAL FOR DOCTORS WHO ARE NOT ON THE GMC SPECIALIST REGISTER AND ARE NOT MEMBERS OF THE ROYAL COLLEGE OF PSYCHIATRISTS**

**Criteria 3.4.** Have a minimum of four years full-time experience (or experience the approving body consider to be equivalent, whether gained in consecutive years or not) in a psychiatric training post, a non-consultant career grade post:

- The experience is considered by the approving body to be substantial experience in the diagnosis of mental disorder or treatment and may be evidenced by the award of a higher degree or diploma relevant to mental health work.
- The experience includes at least two (supervised) assessments of mental disorder for the purposes of the making of medical recommendations under the 1983 Act, undertaken within the 12-month period immediately preceding the date of application, which:
  - have been supervised by a person who at the time was a s12 doctor and member of the Royal College of Psychiatrist, a specialist in psychiatry, or a person included in the Specialist Register in respect of a speciality that the approving body considers to be equivalent to psychiatry and
  - and supported by evidence that they were carried out competently (by completion of the supervised assessment forms)

Provided evidence which the approval body considers show satisfactory participation in continuing professional development – either by way of an RCPsych CPD certificate or 50 hours signed off by at least two peer group members.

Or ARCP for doctors in an MRCPsych or GMC approved training programme.

Complete the application form for approval without error.

Provide a full CV

Provide evidence of attendance at the section 12 induction course

And have met the above professional requirements.

## **INITIAL APPROVAL FOR GPs**

**Criteria 3.3** A member of the Royal college of General Practitioners, be on the performers list, and have a minimum of three years of full-time experience (or experience which the approving body considers to be equivalent, whether gained in consecutive years or not), which meet the following criteria:

- The experience is in a salaried or principal post, which is not a temporary post, the approving body consider the experience to be substantial experience in the diagnosis of mental disorder or treatment, and the experience may be evidence by the award of a higher degree or diploma relevant to mental health work; and
- The experience:

Is such that at least four months of it has been in a supervised psychiatry training post within a training programme recognised by the Royal College of Psychiatrists

Or

- Is such that the person has been accredited by the Royal College of general Practitioners as a general practitioner with a special interest in mental health.
- Complete the application form for approval without error.
- Provide evidence of participation in annual appraisal
- Provide a full CV
- Provide evidence of attendance at the section 12 induction course

## **INITIAL APPROVAL FORENSIC MEDICAL EXAMINERS**

### **Criteria 3.5**

In the Case of a forensic physician who is neither a psychiatrist nor a general practitioner on the performers list.

Be a member of the Faculty of Forensic and Legal Medicine of the Royal College of Physicians ('the Faculty'), have a reference from the local lead forensic physician which includes evidence with respect to training, have experience which includes:

- At least four years of clinical experience after registration as a member of the Faculty in areas considered by the approving body to be relevant to the assessment of mental disorder, whether gained in consecutive years or not,
- At least four months of which are in a supervised psychiatric training post;
- A minimum of six months full time or twelve months part time employment as a forensic physician, whether gained in consecutive years or not; and
- At least two assessments of mental disorder for the purposes of making of medical recommendations under the 1983 Act, supervised by a section 12 doctor, which are supported by evidence that there were competently undertaken (by completion of supervised assessment forms)
- Has included evidence of participation in annual professional appraisal which is satisfactory to the General Medical Council, and
- Has included evidence which the approving body considers demonstrates sufficient and continuing professional development.

Complete the application form without error;

Provide a full CV;

Provide evidence of attendance at the two day section 12 induction course;

And meet the above professional requirements.

## **SUBSEQUENT APPROVALS**

**Criteria 4.(1)** Where the applicant has, within the twelve month period following the expiry of your latest period of approval, applied for approval and the approval body considers that you have provided satisfactory evidence of ongoing involvement in the diagnosis of mental disorder or treatment.

The applicant has provided evidence which the approving body considers shows satisfactory

This evidence may be shown by the undertaking of one or more of the following activities in the twelve-month period immediately preceding the date of the application.

- Acting as a medical member of the Health, Education and Social Care Chamber of the First-tier Tribunal or the Mental Health Review Tribunal for Wales
- Carrying out assessments as a second opinion appointed doctor for the Care Quality Commission or the Healthcare Inspectorate in Wales.
- Giving evidence to, or preparing reports or assessments for, a court for the purposes of
  - Part 3 of the 1983 Act (patients concerned in criminal proceedings or under sentence)
  - The Mental Capacity Act 2005 or
  - The Children Act 1989
- Carrying out at least two assessments of mental disorder for the purposes of making medical recommendation under the 1983 Act;
- Acting as the responsible clinician in relation to a patient or as an approved clinician in charge of the treatment of a patient or
- Being employed in a clinical post and have a level of responsibility for the diagnosis of mental disorder or treatment which the approving body considers to be substantial.
- Complete the application form without error;
- Provide a full CV;
- Provide evidence of attendance at the one day section 12 refresher course;
- Continue to meet the professional requirements above

## **PSYCHIATRISTS AND INDEPENDENT DOCTORS**

- Within the twelve-month period immediately preceding the date of application, has completed a section 12 refresher training course and included a copy of the attendance certificate with the application.
- The applicant has provided evidence which the approval body considers show satisfactory participation in continuing professional development – either by way of a RCPsych CPD certificate or 50 hours signed off by at least two peer group members.
- Or ARCP for doctors in a Royal College of Psychiatrists or GMC approved training programme

- The Applicant has provided an up-to-date CV
- The applicant has completed the application form without error.

### **GENERAL PRACTITIONERS CURRENT AND RETIRED**

- Within the twelve-month period immediately preceding the date of application, has completed a refresher training course and included a copy of the attendance certificate with the application.
- Be on the performers list, has included evidence of participation in annual appraisal process required as a condition of continued inclusion in the performers list;
- In the case of a general practitioner who has previously been but, is not currently on the performers list and who has previous been a section 12 doctor, has included evidence of participation in annual appraisal process that satisfies the requirements of the General Medical Council
- The Applicant has provided an up-to-date CV.
- Completed the application form without error;

### **FORENSIC MEDICAL PRACTITIONERS**

- Continues to meet the professional requirements.
- Within the twelve month period immediately preceding the date of application, has completed a refresher training course and included a copy of the attendance certificate with the application.
- Has included evidence of participation in annual professional appraisal which is satisfactory to the General Medical Council, and
- Has included evidence which the approving body considers demonstrates sufficient and continuing professional development.
- Has completed the application form without error
- Has provided a full CV

## **PERIOD OF APPROVAL**

The approving body may approve a person to act as a section 12 doctor for a period of up to five years commencing from the date of approval which will be stated in your letter of approval.

The approving body must approve the section 12 doctor from the date that the person's previous approval would have expired for a period of up to five years (with some exceptions)

The approval, including the period for which it is granted by the approving body, is not affected if the approved person takes up employment in an area in relation to which another body is an approving body.

## **CONDITIONS OF APPROVAL**

The approval of a person to act as a s12 doctor must be subject to the following conditions:

- a) Must immediately cease to act as an s12 doctor and immediately notify the approving body if the GMC suspends or ends that registration during the period of approval.
- b) Must notify the approving body immediately if they become subject to fitness to practice proceedings;
- c) Must notify the approving body as soon as practicable of any change in your home or work address, telephone numbers, email address or other contact information.
- d) Must notify the approving body at least one month before you take up employment for a period longer than six months in an area in relation to which another body is an approving body;
- e) Must cease to act as a s12 doctor if your approval is suspended or ended by the approving body or has expired;
- f) Must at all times comply with the law including the Data Protection Act 1998 (a); and
- g) Such other conditions as the approving body considers are reasonable and appropriate.

An approving body may vary or remove a condition imposed or impose a new condition in circumstances including but not limited to those where the approving body is considering suspending or ending the suspension of approval.

Where an approving body has granted an approval to a person for whom another approving body subsequently becomes responsible, the new approving body may vary or remove any condition the previous approving body imposed or impose a new condition.

Where a condition has been imposed the section 12 doctor is required to meet after the date of approval, an approving body must take reasonable steps to satisfy itself that the person has met the condition.

Failure to meet the condition by the date set may result in the approving body ending your approval on the condition date.

## **END OF APPROVAL**

If the GMC notifies the approving body that the s12 doctor's name has been removed from the register, the body which is the approving body in respect of the area where the s12 doctor is employed at that time, must, on receiving notification of removal from the register end the approval.

An approving body must end the s12 doctors' approval before the expiry of approval –

1. In accordance with a request in writing by the s12 approved doctor or
2. If it is **not** satisfied that the s12 doctor
  - a) Satisfies the professional requirements; or
  - b) Has complied with the conditions attached to the s12 doctors' approval.

Before an approving body ends an approval, the approving body must

- a) Give the doctor its reasons for considering ending the approval;
- b) Give the doctor a period of time which the approving body consider reasonable to make representations in respect of the proposed ending of the approval; and
- c) Consider representation submitted by the doctor.

When an approving body ends an approval, the approving body must inform the doctor and the GMC of its decision and the reasons for the decision.

Full copy of the Mental Health Act Instructions with respect to the exercise of an Approval Function in relation to Section 12 Doctors 2015 can be obtained from your local Approval Lead:

Email: [office@winterhead.co.uk](mailto:office@winterhead.co.uk) or [www.winterhead.co.uk](http://www.winterhead.co.uk)