

Social Services

Charging Other Local Authorities for AMHP Services



October
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Overview

POLICY	Charging Other Local Authorities for AMHP Services
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DEPARTMENT	Mental Health Services
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Consultation and Approval

Version	Who	Date
1	Jane Davies, Senior Manager Safeguarding and Commissioning	October 2024

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1.0 PURPOSE OF POLICY

This policy sets out guidance on:

- Work which can be undertaken by Approved Mental Health Professionals (AMHPs) for other Local Authorities
- The process for AMHPs to follow to enable the charge to be levied.

2.0 LEGAL POLICY AND CONTEXT

- [Mental Health Act 1983](#)
- [Mental Capacity Act 2005](#)
- [Mental Health Act Code of Practice \(Wales\)](#)
- [Mental Capacity Act Code of Practice](#)
- [Social Services and Wellbeing Act \(Wales\) 2014](#)

3.0 INTRODUCTION

As society and individuals within society become increasingly more mobile, there will be occasions when Flintshire County Council's AMHPs are asked to undertake work on behalf of other Local Authorities in respect of people ordinarily resident in those Authorities but physically present in Flintshire.

If AMHP resources are available, this work may be undertaken however, the other Local Authority will be charged for it. This applies to all local authorities outside of North Wales. The 6 North Wales Local Authorities (Flintshire, Wrexham, Denbighshire, Conwy, Gwynedd and Anglesey) have an agreement not to levy these charges against each other.

4.0 TASKS WHICH MAY BE UNDERTAKEN ON BEHALF OF OTHER LOCAL AUTHORITIES

The types of tasks which may be undertaken fall into four broad groups:

- Carrying out an assessment where an individual may require detention under the Mental Health Act (MHA)
- Ancillary support – protection of children, pets and property
- Duties in relation to Community Treatment Orders (CTO)
- Duties in relation to renewal of detention or extension of CTO

4.1 Carrying out an assessment where an individual may require detention under the Mental Health Act (MHA)

This type of work will often be unforeseeable and requires an immediate response.

The least restrictive means of enabling the person to receive the treatment they need, such as informal admission by consent or use of the Mental Capacity Act (MCA) if the person lacks capacity to give or refuse consent should always be explored prior to the decision to apply for compulsory admission to hospital.

If compulsory admission is required, Local Authorities have a duty under Section (s) 14.26 of the MHA Code of Practice (Wales) to arrange for an AMHP to consider the case of any patient who is within their area and so if detention under s2 or 4 is being considered as the most appropriate response in crisis, this should be carried out and no charge will be levied.

The person's ordinary residence should be established as soon as possible and contact made with their home Authority to inform them that an application for detention has been carried out on their behalf in respect of someone for whom they are responsible and to notify them that if detention under s3 is required. The responsibility for arranging or commissioning rests with them.

As detailed within s14.27 of the code of practice (Wales) for cases where a patient is already detained under section 2 as the result of an application made by an AMHP, the Local Authority that the AMHP was acting on behalf of is responsible for arranging for an AMHP to consider the patient's case again, if the Local Authority has reason to believe that an application under section 3 may be necessary. This applies even if the patient has been detained outside that Local Authorities area.

If the home Authority requests that a Flintshire AMHP makes the application and resources permit, the AMHP should inform the home Authority in writing (electronically via email is acceptable) that a charge will be levied for this. The scale of charges to be used are set out in **Appendix 1**. This scale of charges will be reviewed annually.

4.2 Ancillary support – protection of children, pets and property

In line with s14.80 of the code of practice (Wales) prior to making an application AMHPs should ensure that appropriate arrangements are in place for the immediate care of any dependent children the patient may have and any adults who rely on the patient for care.

The needs of any dependent children / adults who rely on the patient for care should have previously been considered as part of the assessment.

Where relevant AMHPs should also ensure that practical arrangements are made for the care of any pets and for the Local Authority to carry out its other duties under the Social Services and Wellbeing Act (Wales) 2014 to secure the patient's home and protect their property

If it is deemed necessary for the AMHP to carry out any tasks under s14.80, the home Authority should be notified that a charge will be levied on an hourly basis for the time of the AMHP plus any expenses incurred. (See Appendix 1).

4.3 Duties in relation to Community Treatment Orders (CTO)

The decision as to whether a CTO is the right option for any patient is undertaken by the responsible clinician and requires the agreement of an AMHP.

When decision making around a CTO the AMHP should:

- Decide whether to agree with the patient's responsible clinician that the patient meets the criteria for a CTO, and (if so) whether a CTO is appropriate.
- Should meet with the patient before deciding whether to agree that the CTO should be made. Even if the criteria for a CTO are met, it does not mean that the patient must be discharged onto a CTO. In making that decision, the AMHP should consider the wider social context for the patient.

The responsibility for ensuring that an AMHP considers the CTO case should lie with the Local Authority who would become responsible for the patient's after-care if the patient were discharged.

If the responsible clinician feels revocation of the CTO is warranted, the agreement of an AMHP must be obtained.

When decision making around revoking a CTO the AMHP should:

- Consider the wider social context for the person concerned, in the same way as when making decisions about applications for admissions.

If the responsible Local Authority cannot provide an AMHP to undertake the duties listed above in this section, or requests Flintshire to undertake them on its behalf and AMHP resources allow, the AMHP must notify them in writing that an hourly fee will be levied. (See Appendix 1).

4.4 Duties in relation to renewal of detention or extension of CTO

The MHA code of practice places the decision of the renewal of detention, or the extension of a CTO must be made by the responsible clinician in consultation with others. The duties within this are set out as follows:

- Where responsible clinicians are satisfied that the criteria for renewing the patient's detention are met, they must submit a report to that effect to the hospital managers.
- Before responsible clinicians can submit that report, they are required to obtain the written agreement of another professional (the second professional) that the criteria are met. This second professional must be professionally concerned with the patient's treatment and must not belong to the same profession as the responsible clinician. The Act does not specify who the second professional should be, this can be but doesn't have to be an AMHP.
- Only responsible clinicians may extend the period of the CTO. To do so, responsible clinicians must examine their patient and decide, during the two months leading up to the day on which the patient's CTO is due to expire, whether the criteria for extending the CTO under s20A of the Act are met. They must also consult one or more other people who have been professionally concerned with the patient's medical treatment.
- When deciding whether to extend the period of a CTO the responsible clinician, second professional and AMHP should all consider carefully whether or not the criteria for extending the CTO are met and, if so, whether an extension is appropriate.

- Where responsible clinicians are satisfied that the criteria for extending the patient's CTO are met, they must submit a report to that effect to the managers of the responsible hospital, clearly stating their reasons.

Before responsible clinicians can submit that report they must obtain the written agreement of an AMHP. Responsible clinicians should ensure that the AMHP is given enough notice to be able to interview the patient if appropriate.

Responsibility for ensuring that an AMHP considers the case should lie with the Local Authority which is responsible for the patient's after-care.

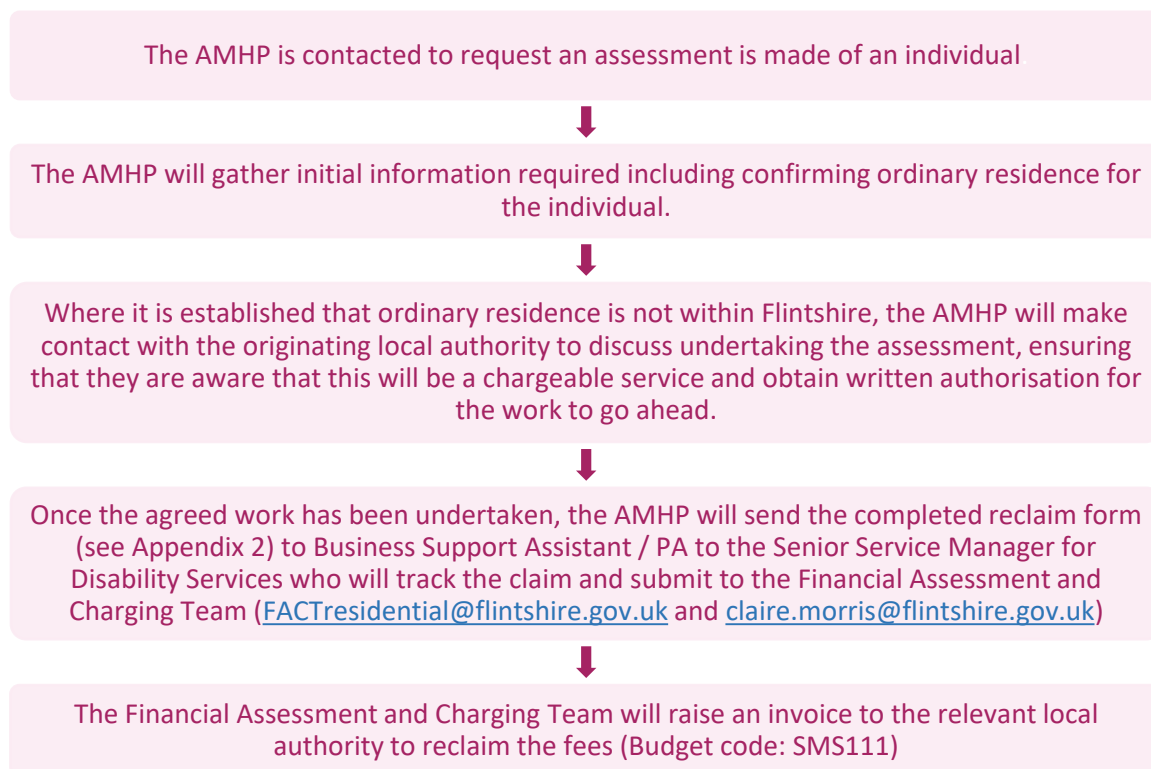
If the responsible Local Authority cannot provide an AMHP to undertake the duties listed above in this section, or requests Flintshire to undertake them on its behalf and AMHP resources allow, the AMHP must notify them in writing that an hourly fee will be levied. (See Appendix 1).

4.5 Tasks which may be undertaken by Adult Social Care staff (ASC) other than AMHPs

In addition to the tasks set out above, there may be a need for a Social Worker or other ASC professional to carry out assessments under the Social Services and Wellbeing Act (Wales) to support or complement planning for aftercare under s117. If this is the case, there may also be a need for support planning, commissioning and monitoring of support and regular reassessments to review needs and support.

If the responsible Local Authority cannot provide a Social Worker to undertake these duties, or requests Flintshire to undertake them on its behalf and Social Work resources allow, the relevant Team manager must notify them in writing that an assessment fee and hourly fee will be levied. (See Appendix 1).

5.0 CHARGING PROCESS



6.0 APPENDICES

6.1 Appendix 1 – Scale of Fees and Charges (2024/25)

Task	Fee
AMHP application for detention	£400 plus expenses and court fees Expense may include costs incurred by the AMHP or by the Local Authority such as the provision of an interpreter for someone who is deaf or whose first language is not English or the provision of an advocate.
AMHP hourly fee rates: Social Worker with AMHP Senior Social Worker with AMHP Deputy Team Manager with AMHP	Chargeable hourly rate: £32.01 £34.84 £34.84
Social work assessment fee (also applies to reassessment at review)	£400
Social worker hourly rates: Senior Social Worker Social Worker	Chargeable hourly rate: £26.34 £29.26

6.2 Appendix 2 – Reclaim Form

Name of AMHP			
Name of service user			
Local Authority to be charged			
Name of authorising officer at Local Authority			
Email of authorising officer at Local Authority			
Details of work undertaken			
Breakdown of hours charged			
Total charge			
Signed (AMHP)		Date	

* Send form to FACTresidential@flintshire.gov.uk