

COMMITTEE: ADMINISTRATION and REGULATION

DATE: 9th September 2019

SUBJECT: Approved Mental Health Practitioner – New Payment

REPORT BY: Service Director,
Human Resources and Monitoring Officer

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IMPLICATIONS:

LEGAL	✓	COMMUNITY SAFETY	
EQUALITIES	✓	ENVIRONMENT	
FINANCIAL	✓	CONSULTATIONS	✓
STAFFING	✓	OTHER	

WARDS AFFECTED: NONE

PURPOSE

1. To seek approval from Administration and Regulation Committee to introduce an additional payment for Social Workers and Advanced Practitioners employed to undertake the functions of an Approved Mental Health Professional (AMHP) in daytime AMHP operational hours as part of the Pan Bedfordshire Bolt on Contract.

RECOMMENDATIONS

2. Administration and Regulation Committee is recommended to agree the additional payment to Approved Mental Health Practitioners detailed in the report, with immediate effect.

BACKGROUND

3. Social Workers who specialised in dealing with mental health issues were transferred under TUPE from the council’s employment to the NHS in 2006, as a result of the implementation of the White Paper “Our Health, our care, our say, published in January 2006. Before their transfer, the council

- employed Approved Mental Health Practitioners (AMHPs) whose primary purpose was to perform the functions of an AMHP for all of their contracted hours. At this time, AMHPs were allocated two additional spinal column points onto their basic salary in order to recognise the additional duties they undertook, over and above their usual qualified social worker duties. When the council no longer employed AMHPs this additional payment method was removed from the council's Pay Policy.
4. Social Workers working within the Mental Health Teams are required to qualify as an Approved Mental Health Practitioner in order to undertake assessments for individuals to be compulsorily admitted to hospital. It takes away the requirement to get agreement either from the individual or a member of their family.
 5. To qualify as an AMHP a Social Worker must have relevant experience and attend a 6 month part time course at a Designated University supplemented by support from the Authority in terms of providing a mentor/assessor. They also operate with a reduced caseload during the period of training/assessment.
 6. Under the Mental Health Act 2007 the Authority is expected to provide sufficient resources to ensure assessments under the Act are carried out within a reasonable timescale.
 7. Before a social worker can become an Approved Mental Health Professional (AMHP), they must be skilled to manage some complex cases and have an understanding of Mental Health Legislation.
 8. Following an interview process, they are 'warranted', meaning that they carry a license to prove their status and must renew this every 5 years.
 9. The regional rota for the AMHP service includes neighbouring local authorities and also the East London NHS Foundation Trust (ELFT). Each employer must introduce a payment method that complies with their local pay strategy and related legislation, and can be justified and defended, in particular with regard to equal pay considerations.

REPORT

Main Roles and Responsibilities of an AMHP:

10. Making an application for admission to hospital in England under various sections of the Mental Health Legislation as part of our Statutory Responsibilities in relation to a patient within Luton and Bedfordshire, or as appropriate, originating from Luton and Bedfordshire, who is located elsewhere in England.

11. Carrying personal responsibility for making the decision in respect of the above.
12. Responding, on behalf of the Local Social Services Authority (LSSA), to the nearest relative's request for an AMHP to consider the patient's case and decide whether to make an application for admission to hospital and giving reasons in writing to the nearest relative when an application is not made.
13. Interviewing the patient and providing a report on his/her circumstances for the hospital managers when the nearest relative applies for an admission to hospital under Section 2 or 3 of Mental Health Act
14. Completion of 18 hours mandatory AMHP refresher training (one day of which must be a legal update) annually following approval or re- approval.
15. Undertaking other duties appropriate to an AMHP resulting from legal changes, such as offering advice and consultation to Police who may be considering detention under section 136.
16. The most up to date information from other employers who participate in the regional rota shows that Central Bedfordshire Council pay £2500 per annum, Bedfordshire Borough Council pay 2 additional increments, approximately £2000 (as Luton used to do pre-2006) and ELFT pay £1500 per year proportionate to AMHP days each month allocated on the rota. AMHPs are expected to be on the rota for 4 days a month to attract £2000 per annum. This payment starts from £500 - £2000 per annum depending of the number of days you take part in the rota.

PROPOSAL / OPTION

17. Using the council's agreed HAY job evaluation scheme the duties undertaken by an AMHP have been assessed as comparable with grade M5. Social Workers who have attained AMHP status are generally experienced and have substantive roles as M2. Therefore, the appropriate payment for AMHP duties has been based broadly on the additional job roles and responsibilities as mentioned above in the report. The remainder of their working hours will be as an experienced social worker delivering a safe service in line with Care Act 2014, Equalities Act 2010, Mental Capacity Act 2005 and other relevant legislations and social policies.
18. M2 salary range is £34788 – 37849. M5 salary range is £44632 - £47498. The difference between the base point of each grade is £9844 per annum, £820 per month, which equates to around £39 per day based on an average month consisting of 21 working days.
19. However, to match as far as possible the payments made by other employers (around £2000 gross per annum, which is also the value of

applying 2 additional increments at M2) the payment has been set at £42 gross per day on the rota. An AMHP working 48 days per annum on the rota would therefore receive an additional £2016 gross per annum.

20. As evidenced by the current AMHP's rota over the last year (see Financial Implications below), the number of days each month can vary from 4 days to nil at times. In order to maintain complete transparency and to ensure that the payment is made only when the additional responsibilities are undertaken on the rota. This rota is managed by the Lead AMHP and the service will alert the Service Manager and the Payroll Team if any individual AMHP has not managed to meet agreed rota commitments.
21. The payment can be made via payroll similar to market supplement or it can form part of the employee's contract if the rota is known well in advance and is not likely to change.
22. It is proposed that Administration and Regulation Committee approve a new additional payment for undertaking Approved Mental Health Practitioner duties, as detailed above.

LEGAL IMPLICATIONS

23. There are no direct legal implications to this report, however there is potential for equal pay disputes to arise from the introduction of a new allowance attached to pay. This is minimised by having a robust job evaluation process (HAY job evaluation) to assess the relative 'worth' of the additional AMHP duties and thereafter to allocate pay in a fair and consistent manner.
24. It is not advisable to agree a payment method that is the same as the other participating employers, merely for consistency or convenience. Each employer must assess their pay risks with reference to the job roles, grades and pay structure within their respective employer.
25. The calculation of the AMHP payment has taken account of the responsibilities, accountabilities, problem-solving and knowledge required for the role which has been assessed as equivalent to other M5 roles in the council. As the number of days on the rota can vary, the payment is expressed as a daily amount for complete transparency and accuracy.
26. This report has been cleared by Jasbir Josen in Legal Services on 21st August 2019.

FINANCIAL IMPLICATIONS

27. Currently there is only one qualified and warranted AMHP employed in the council. Since August 2018 she has undertaken 29 days on the rota, sometimes 4 days' a month but at other times, 1 day per month or none at all. In order to remunerate her for her AMHP duties an Honorarium payment equivalent to £42 gross per day has recently been agreed and paid to her. The total paid to her for 29 days on the rota was £1218 gross. However, future AMHPs that the service is proposing to train would go on the rota for 3 or 4 days a month. This is equivalent to £1500 or £2000 a month based on the days they opt to be on the AMHP rota.
28. The cost of recruiting a locum AMHP would cost the Local Authority a minimum of £1500 a week.
29. Whilst there are plans for further social workers to undertake training to become AMHPs, there are currently no employees in-training.
30. This report has been cleared by the Dev Gopal, Service Director, Finance and Audit on 22nd August 2019.

STAFFING IMPLICATIONS

31. This payment seeks to appropriately recompense employees for participating in the regional AMHP rota and to encourage experienced social workers to step up to this vital and demanding role.
32. This report has been cleared by Angela Claridge, Service Director, HR & Monitoring Officer on 21st August 2019.

EQUALITIES IMPLICATIONS

33. There are no equalities implications apart from those outlined above in this report.

CONSULTATION ARRANGEMENTS

34. The Trade Unions have been advised of this proposal and have raised no objections.

LIST OF BACKGROUND PAPERS **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

None