

Policy for Appointing Second Opinion Appointed Doctors

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1.0 Introduction

- 1.1 The power to appoint Second Opinion Appointed Doctors (SOADs) was vested in The Regulation and Quality Improvement Authority (RQIA) following the transfer of functions from the former Mental Health Commission under Article 25(1) Health and Social Care (Reform) Act (Northern Ireland) 2009.
http://www.legislation.gov.uk/nia/2009/1/pdfs/nia_20090001_en.pdf
- 1.2 A consultant psychiatrist with specialist experience in the assessment and detention of a patient, who meets the criteria set out by RQIA, is eligible to apply for appointment as a SOAD.
- 1.3 The suitability of each applicant is considered by an Appointment Panel with account taken of the relevant experience, training and professional standing of the medical practitioner. SOAD appointments are not automatic.
- 1.4 The criteria for appointment to the list of SOADs are set out in Appendix 1.

2.0 Scope of the Policy

- 2.1 This policy will apply to the appointments made to the list of SOADs and should be read in conjunction with other associated documents;
 - Procedure for Appointing Second Opinion Appointed Doctors
 - Guidance for Appointing Second Opinion Appointed Doctors
 - RQIA Complaints Policy

3.0 Policy Statement

- 3.1 This policy sets out the general principles and processes for appointing Second Opinion Appointed Doctors.

4.0 Entitlements

Second Opinion Appointed Doctors are authorised to provide a second opinion using agreed prescribed forms in relation to Part IV of the Mental Health (Northern Ireland) Order 1986 (the Order).

RQIA will remunerate SOADs for providing a second opinion and any travelling expenses incurred in fulfilling this function.

5.0 Legislative Framework

- 5.1 All medical practitioners are required to comply with the general provisions set out in the Order, or any revision thereof.
<https://www.rqia.org.uk/guidance/legislation-and-standards/legislation/>

6.0 Responsibilities

RQIA Board

Standing Order Three

- 6.1 Under Standing Order Three RQIA's Board has powers to delegate any of its functions to a committee, or sub-committee, including powers reserved to the Board.

Standing Order Five

- 6.2 Under Standing Order Five, RQIA's Board has delegated authority to the Appointment Panel to appoint SOADs.
- 6.3 RQIA's Chair will seek expressions of interest from Board members and will agree the appointment of two Board members to the Appointment Panel.

RQIA Appointment Panel

- 6.4 RQIA's Appointment Panel will only appoint applicants that meet the eligibility criteria for appointment as a SOAD.
- 6.5 The Appointment Panel will ensure consistency in all appointments and ensure that all information relating to appointments is kept up to date and shared, as appropriate.
- 6.6 In exceptional circumstances the Appointment Panel will make a determination if there is an immediate requirement for an urgent appointment.
- 6.7 The Appointment Panel is made up of:
- Director of Improvement and Medical Director – Appointment Panel Chair
 - Assistant Director of Improvement
 - A Sessional Professional Officer
 - Two RQIA Board members
 - Appointment Panel Administrator

Quorate Requirements

- 6.8 To facilitate any Appointment Panel meeting to proceed a quorum of four of the six Panel members is required, one of whom should be an RQIA Board member and one of whom should be a Sessional Professional Officer.
- 6.9 In the event that a Panel member is unable to fulfil their role, or the Panel is unable to meet its quorate requirements the Panel Chair may

facilitate individual discussions with Panel members to ensure urgent application can be progressed.

The Appointment Panel Chair

- 6.10 The Appointment Panel Chair is responsible for convening meetings of the Panel and for ensuring the accuracy of recording decisions made.
- 6.11 When the Panel approves an appointment, a letter and certificate of appointment will be signed by the Appointment Panel Chair and issued to the SOAD.
- 6.12 RQIA's seal must be fixed to any certificate of appointment signed by either the Appointment Panel Chair (or RQIA's Chief Executive).
- 6.13 The Appointment Panel Chair can appoint a deputy to act as Chair in his/her absence.

The Chief Executive

- 6.14 RQIA's Chief Executive is responsible for the effective implementation of the Policy for Appointing Second Opinion Appointed Doctors and will delegate responsibility to the relevant Director for the effective operational management of the procedure.

Director of Improvement and Medical Director

- 6.15 The Director of Improvement and Medical Director will act as Appointment Panel Chair and is responsible for the effective operational management of the procedure.
- 6.16 Should any additional information come to the attention of RQIA which may have implications in relation to a SOAD appointment, the Appointment Panel Chair will update and agree any action required with Appointment Panel members.

Assistant Director of Improvement

- 6.17 The Assistant Director has oversight of the day-to-day operation of the procedure.

Sessional Professional Officer

- 6.18 RQIA's Sessional Professional Officers (consultant psychiatrists) will advise the Panel on all applications for SOAD appointment.

The Appointment Panel Administrator

- 6.19 He/she is responsible for all administrative functions in line with the Procedure for Appointing Second Opinion Appointed Doctors.
- 6.20 The Appointment Panel Administrator will notify the medical practitioner when their SOAD appointment is due for renewal. He/she will ensure that any guidance is provided to all relevant stakeholders.
- 6.21 When a medical practitioner has been appointed; their name and period of appointment will be recorded by the Appointment Panel Administrator on the list of Second Opinion Appointed Doctors on RQIA's website.
<https://www.rqia.org.uk/RQIA/media/RQIA/Resources/WhatWeDo/MentalHealth/List-of-Medical-Practitioners-as-of-Feb-19.pdf>

Second Opinion Appointed Doctors

- 6.22 Those appointed as SOADs by RQIA's Appointment Panel are authorised to provide a second opinion using agreed prescribed forms in relation to Part IV of the Mental Health (Northern Ireland) Order, 1986.
- 6.23 A medical practitioner will ensure their application for SOAD appointment is completed fully, detailing clearly how they meet the criteria for appointment.
- 6.24 It is the responsibility of the medical practitioner to submit the required documentation to allow RQIA to assess an application for SOAD appointment.
- 6.25 Medical practitioners in substantive posts will be appointed as a SOAD for five years, unless a shorter period of appointment is requested. At the end of the five years, a SOAD can apply to RQIA for reappointment of their SOAD status.
- 6.26 Any medical practitioner whose SOAD status has expired must refrain from carrying out any second opinion duties until they are reappointed by RQIA's Appointment Panel.
- 6.27 A medical practitioner must inform RQIA of any changes in employment.
- 6.28 The following information must be submitted to the Appointment Panel Administrator:
- A completed application form, signed and dated;

And

- Confirmation that the medical practitioner has been appointed to the post of consultant psychiatrist for at least 5 years and completes applications for and/or renewal of detention of patients, under Part II of the Mental Health (Northern Ireland) Order, 1986; and/or
- Confirmation that the medical practitioner has been appointed to the post of consultant psychiatrist for at least 5 years and gives evidence to, or prepares reports/assessments for, the court under Part III of the Mental Health (Northern Ireland) Order 1986; and/or
- Confirmation that the medical practitioner has been appointed to the post of Sessional Professional Officer for RQIA;

And

- Confirmation that the medical practitioner is registered with the General Medical Council (GMC) and holds a current licence to practise;
- Confirmation that the medical practitioner is on the Specialist Register of GMC;
- Confirmation that the medical practitioner is actively participating in activities relating to annual whole-practice appraisal and medical revalidation;
- A copy of the medical practitioner's RQIA e-Learning modules 1-4 on the Mental Health (Northern Ireland) Order 1986, within two years prior to application for SOAD status;
- A copy of the medical practitioner's Access NI Enhanced Disclosure Certificate (initial applications only) countersigned by RQIA;
- A Referee Form which should be completed by a Medical Director (or nominated senior medical leader);
- A copy of the medical practitioner's current insurance certificate of indemnity, providing adequate cover to undertake work in respect of the functions of the Mental Health (Northern Ireland) Order 1986.

Medical Director (or Nominated Senior Medical Leader)

6.30 It is the responsibility of a Medical Director (or nominated senior medical leader) to submit a referee form on behalf of the medical practitioner to allow RQIA to assess an application for SOAD appointment.

7.0 Removal from the List of Second Opinion Appointed Doctors

- 7.1 In cases where a medical practitioner wishes to be removed from the list of SOADs, he/she should inform the Appointment Panel Administrator who will update the Appointment Panel at the next Appointment Panel meeting. A record of the date of removal from the list of Second Opinion Appointed Doctors will be retained by the Appointment Panel Administrator.
- 7.2 The Appointment Panel Chair will formally advise the medical practitioner of their removal from the list of SOADs and the date that this removal will become effective.
- 7.3 In circumstances where RQIA is advised by any parties of any information which may impact adversely on the medical practitioner's ability to fulfil their functions and/or impacts adversely on patient safety, the Appointment Panel will be required to take this information into consideration in any decision regarding appointment or continued appointment of a SOAD.
- 7.4 The Appointment Panel reserves the right to suspend or remove SOAD status from that practitioner.

8.0 Training

- 8.1 Training on this Policy, and its related Procedure, will be provided to any new Board members involved in the Appointment Panel or Representation Panel process.

9.0 Equality

- 9.1 This Policy in its original format was equality screened on 28 January 2016. It was considered to have neutral impact implication for equality of opportunity and does not require to be subjected to a full equality assessment.

10.0 Review

- 10.1 This Policy will be reviewed to evaluate its effectiveness in October 2020 and every two years thereafter.
- 10.2 Any proposed amendments will require Board approval.

11.0 Dissemination of Policy and Procedure

- 11.1 The Policy and Procedure associated with appointing Second Opinion Appointed Doctors will be communicated to all relevant stakeholders, these include;

- RQIA Board and staff
- Chief Executive and Medical/Clinical Directors of HSC trusts
- Part II Medical Practitioners
- Second Opinion Appointed Doctors
- Royal College of Psychiatrists (NI Division)
- Patient and Client Council (PCC)
- Health and Social Care Board (HSCB)
- Public Health Agency (PHA)
- Department of Health (DoH)
- General Medical Council (GMC)
- Directorate of Legal Services (DLS), Business Services Organisation (BSO)

Appendix 1

Eligibility Criteria for Appointment as a Second Opinion Appointed Doctor

The following criteria must be met for each applicant:

- Evidence of at least 5 years' experience as a consultant psychiatrist and completion of applications for and/or renewal of detention of patients under Part II of the Mental Health (Northern Ireland) Order 1986; and/or
- Evidence of at least 5 years' experience as a consultant psychiatrist giving evidence to, or preparing reports/assessments for the court under Part III of the Mental Health (Northern Ireland) Order 1986; and/or
- Evidence of appointment as a Sessional Professional Officer in RQIA

And

- Confirmation that the medical practitioner is registered with the General Medical Council (GMC) and holds a current licence to practise;
- Confirmation that the medical practitioner is on the Specialist Register of GMC;
- Confirmation that the medical practitioner is actively participating in activities relating to annual whole-practice appraisal and medical revalidation;
- Confirmation that the medical practitioner has completed RQIA e-Learning modules 1-4 on the Mental Health (Northern Ireland) Order 1986, within the last two years;
- Confirmation the medical practitioner is adequately indemnified to undertake work in respect of the functions of the Mental Health (Northern Ireland) Order 1986;
- Confirmation the medical practitioner has an Access NI Enhanced Disclosure Certificate countersigned by RQIA.

Appendix 2

Application for Appointment as a Second Opinion Appointed Doctor

Please complete all sections.

1.0	Name of the Medical Practitioner	
2.0	Name and address of Trust or Independent Healthcare Organisation	
3.0	Position within the Trust or Independent Healthcare Organisation	
4.0	GMC Reference Number	
5.0	Please indicate duration of Appointment for which application is made	
5.1	Please confirm date(s) of last and next medical revalidation	
Last Revalidation:		
Next Revalidation:		
Please confirm the following information:		
6.0	The medical practitioner has been a consultant psychiatrist for at least 5 years and completes applications for and/or renewal of detention of patients, under Part II of the Mental Health (Northern Ireland) Order 1986; and/or	<input type="checkbox"/>
	The medical practitioner has been a consultant psychiatrist for at least 5 years and gives evidence to, or prepares reports/assessments for, the court under Part III of the Mental Health (Northern Ireland) Order 1986; and/or	<input type="checkbox"/>

	The medical practitioner has been appointed to the post of Sessional Professional Officer in RQIA.	<input type="checkbox"/>
7.0	The medical practitioner is registered with the General Medical Council (GMC) and holds a current licence to practise.	<input type="checkbox"/>
8.0	The medical practitioner is on the Specialist Register of GMC.	<input type="checkbox"/>
9.0	<p>The medical practitioner is on the Specialist Register for one of these psychiatric specialisms:</p> <ol style="list-style-type: none"> 1) Adult psychiatry 2) Intellectual disability 3) Child and adolescent psychiatry 4) Forensic psychiatry 5) Old age psychiatry 6) Psychotherapy 	<p>Speciality in:</p> <p>_____</p>
10.0	The medical practitioner can demonstrate completion of RQIA e-Learning modules 1-4 on the Mental Health (Northern Ireland) Order 1986, within the last two years.	<input type="checkbox"/>
11.0	The medical practitioner is adequately indemnified to undertake work in respect of the functions of the Mental Health (Northern Ireland) Order 1986.	<input type="checkbox"/>
12.0	An AccessNI Enhanced Disclosure Certificate countersigned by RQIA is available to support this application	<input type="checkbox"/>

13.0	Please add any other comments you consider to be relevant to the application		
14.0	Name	Signature of Medical Practitioner	Date

Documentation required to be returned to RQIA with SOAD Application

It is your responsibility to submit the required documentation to allow RQIA to assess your application for SOAD appointment:

- A completed application form, signed and dated;

And

- Confirmation that the medical practitioner has been appointed to the post of consultant psychiatrist and completes applications for and/or renewal of detention of patients, under Part II of the Mental Health (Northern Ireland) Order, 1986; and/or
- Confirmation that the medical practitioner has been appointed to the post of consultant psychiatrist and gives evidence to, or prepares reports/assessments for, the court under Part III of the Mental Health (Northern Ireland) Order 1986 and/or
- Confirmation that the medical practitioner has been appointed to the post of Sessional Professional Officer for RQIA.

And

- Confirmation that the medical practitioner is registered with the General Medical Council (GMC) and holds a current licence to practise;
- Confirmation that the medical practitioner is on the Specialist Register of GMC;

- Confirmation that the medical practitioner is actively participating in activities relating to annual whole-practice appraisal and medical revalidation;
- A copy of the medical practitioner's RQIA e-Learning modules 1-4 on the Mental Health (Northern Ireland) Order 1986, within two years prior to application for SOAD status;
- A copy of the medical practitioner's Access NI Enhanced Disclosure Certificate (initial applications only) countersigned by RQIA;
- A Referee Form which should be completed by a Medical Director (or nominated senior medical leader);
- A copy of the medical practitioner's current insurance certificate of indemnity, providing adequate cover to undertake work in respect of the functions of the Mental Health (Northern Ireland) Order 1986.

Appendix 3

Example of Second Opinion Appointed Doctor Referee Form

Please complete all shaded sections. Use page overleaf if necessary

Name of the Medical Practitioner	
Name and address of Trust or Independent Healthcare Organisation	
Position of applicant within the Trust or Independent Healthcare Organisation	
In what capacity is the applicant known to you? (please delete as appropriate)	I am the applicant's: <ul style="list-style-type: none">• Medical Director• Nominated Senior Medical Leader• Responsible Officer
The length of time the applicant has been known to you professionally.	
Duration of SOAD Appointment for which application is made	
Please confirm that the medical practitioner is actively engaged in annual medical appraisal; Please confirm date(s) of last and next medical revalidation	
Last Revalidation:	
Next Revalidation:	
Most recent Medical Appraisal:	

Please add any other comments you consider to be relevant to the application for the above individual

--

I confirm that I am not a relative, nor have I any conflict of interest in relation to the person applying for appointment.

I support this application for appointment as a Second Opinion Appointed Doctor.

Name	Signature of Medical Director or Nominated Senior Medical Leader or Responsible Officer	Date

Appendix 4

Appointment Representations Panel

There is currently no legislative provision for making representations regarding non appointment as a Second Opinion Appointed Doctor. However, RQIA has determined that in accordance with the principles of fairness, openness and transparency, a medical practitioner should be afforded the opportunity to make representations concerning any decision of the Appointment Panel.

In line with the principles outlined above, all medical practitioners have an opportunity to formally make representations to RQIA if their appointment is refused by the Appointment Panel or if they have concerns with how the Appointment Panel came to their decision.

Such representations must be made in writing within 28 calendar days of the doctor's receipt of the Appointment Panel's decision. A Representations Panel will convene to consider any representations made and will share their final decision with the relevant medical practitioner.