

Policy for Appointing Part II Medical Practitioners

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1.0 Introduction

- 1.1 The power to appoint Part II medical practitioners 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, under Part II of The Mental Health (Northern Ireland) Order 1986 (the Order) who meets the criteria set out by RQIA, is eligible to apply for appointment as a Part II medical practitioner.
- 1.3 The suitability of each applicant is considered by an Appointment Panel, which takes account of the relevant experience, training and professional standing of the medical practitioner. Part II appointments are not automatic. RQIA does not indemnify Part II medical practitioners.
- 1.4 The criteria for Part II appointment are set out in Appendix 1.

2.0 Scope of the Policy

- 2.1 This policy applies to appointments made to the list of Part II medical practitioners and should be read in conjunction with other associated documents;
- Procedure for Appointing Part II Medical Practitioners;
 - Guidance for Appointing Part II Medical Practitioners;
 - RQIA Complaints Policy.

3.0 Policy Statement

- 3.1 This Policy sets out the general principles and processes for appointing a consultant psychiatrist as a Part II medical practitioner.

4.0 Legislative Framework

- 4.1 All Part II 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/>

5.0 Responsibilities

RQIA Board

Standing Order Three

- 5.1 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

- 5.2 Under Standing Order Five, RQIA's Board has delegated authority to the Appointment Panel to appoint Part II medical practitioners.
- 5.3 RQIA's Board 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

- 5.4 RQIA's Appointment Panel will only appoint applicants that meet the eligibility criteria for appointment.
- 5.5 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.
- 5.6 The Appointment Panel will make a determination, usually within 28 calendar days of an application being received RQIA. Exceptional circumstances may be applied if there is an immediate requirement for an urgent appointment, e.g. to meet particular demands of the criminal justice system.
- 5.7 In the event that a Panel member is unable to fulfil their role, or the Panel is unable to meet its quorate requirements a deputy may be appointed by the Panel Chair.
- 5.8 The Appointment Panel is made up of:
- Director of Improvement – Appointment Panel Chair
 - Assistant Director of Mental Health and Learning Disability
 - A Sessional Professional Officer
 - Two RQIA Board members
 - Appointment Panel Administrator

Quorate Requirements

- 5.9 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.

The Appointment Panel Chair

- 5.10 The Appointment Panel Chair is responsible for convening meetings of the Panel and for ensuring the accuracy of recording decisions made.
- 5.11 When the Panel approves a Part II appointment, a letter and certificate of appointment will be signed by the Appointment Panel Chair and issued to the Part II medical practitioner.
- 5.12 RQIA's seal must be fixed to any certificate of appointment signed by either the Appointment Panel Chair (or RQIA's Chief Executive).
- 5.13 The Appointment Panel Chair can appoint a deputy to act as Chair in his/her absence.

The Chief Executive

- 5.14 RQIA's Chief Executive is responsible for the effective implementation of the Policy for Appointing Part II Medical Practitioners and will delegate responsibility to the relevant Director for the effective operational management of the procedure.

Director of Improvement

- 5.15 The Director of Improvement will act as Appointment Panel Chair and is responsible for the effective operational management of the procedure. He/she will ensure that any training and guidance is provided to all relevant stakeholders.
- 5.16 Should any additional information come to the attention of RQIA which may have implications in relation to an individual's Part II appointment, the Appointment Panel Chair will update and agree any action required with the Appointment Panel.

Assistant Director

- 5.17 The Assistant Director of Mental Health and Learning Disability has oversight of the day-to-day operation of the procedure.

Sessional Professional Officer

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

The Appointment Panel Administrator

- 5.19 He/she is responsible for all administrative functions in line with the Procedure for Appointing Part II Medical Practitioners.
- 5.20 The Appointment Panel Administrator will notify Medical Director (or their nominated senior medical leader) when a medical practitioner in their HSC Trust is due for Part II renewal.
- 5.21 When a medical practitioner has been appointed; the name and the period of appointment will be recorded by the Appointment Panel Administrator on the list of Part II medical practitioners and RQIA's website.
<https://www.rqia.org.uk/RQIA/media/RQIA/Resources/WhatWeDo/MentalHealth/List-of-Medical-Practitioners-as-of-040918.pdf>

Part II Medical Practitioners

- 5.22 Those appointed as Part II medical practitioners by RQIA's Appointment Panel are authorised to carry out functions that relate to Part II duties:
- Making a recommendation to compulsorily assess and detain a patient to hospital for assessment under Part II of the Mental Health (Northern Ireland) Order 1986; and/or
 - Making applications for Guardianship; and/or
 - Providing reports for a court under Part III of the Mental Health (Northern Ireland) Order, 1986.
- 5.23 Any medical practitioner whose Part II status has expired must refrain from carrying out any functions relating to Part II duties until they are reappointed by RQIA's Appointment Panel.

Medical Director (or Nominated Senior Medical Leader)

- 5.24 The Medical Director (or their nominated senior medical leader) will make an application for Part II appointment on behalf of a medical practitioner in their HSC Trust (Application Template – Appendix 2).
- 5.25 The Medical Director (or nominated senior medical leader) will ensure that applications on behalf of a medical practitioner are completed fully, detailing clearly how the medical practitioner meets criteria for appointment.
- 5.26 It is the responsibility of the Medical Director (or nominated senior medical leader) to submit the required documentation on behalf of the medical practitioner to allow RQIA to assess an application for Part II appointment.

The following information must be submitted, to the Appointment Panel Administrator 7 calendar days in advance of the next Appointment Panel meeting:

- A completed application form, signed and dated; and
- A copy of the medical practitioners RQIA e-Learning modules 1-4 on the Mental Health (Northern Ireland) Order 1986, within two years prior to application for Part II status; and
- An AccessNI Enhanced Disclosure Certificate (or equivalent e.g. Disclosure and Barring Certificate).

5.27 A Medical Director (or nominated senior medical leader) is required to notify RQIA if a Part II medical practitioner ceases to work in their organisation as soon as is possible, and no later than 7 calendar days after that cessation.

6.0 Type of Appointment

Substantive Post Holders

6.1 Medical practitioners in substantive posts in a HSC trust will be appointed to RQIA's list of Part II medical practitioners for five years, unless a shorter period of appointment is requested. At the end of the five years, a Medical Director (or nominated senior medical leader) can apply to RQIA to reappoint the Part II status of the medical practitioner. The application process for first appointment of Part II status, or for reappointment after five years, is the same.

6.2 A Medical Director (or nominated senior medical leader) must apply for reappointment no later than 3 months before the 5 year appointment period comes to an end.

Locum Medical Practitioners

6.3 A locum medical practitioner will be appointed as a Part II medical practitioner for a maximum of 12 months, after which the doctor will be required to reapply for Part II status, no later than 3 months before Part II appointment is due to expire.

6.4 If a locum medical practitioner has been appointed for less than the maximum 12 months they may request an extension to their period of appointment as long as it does not exceed 12 months in total. The request for extension must be requested in writing by the medical practitioner's Medical Director (or nominated senior medical leader) to the Appointment Panel.

6.5 A locum Part II medical practitioner may undertake Part II duties across all HSC trusts within their period of appointment, after which the

Medical Director (or nominated senior medical leader) will be required to reapply to the Appointment Panel on their behalf. The locum medical practitioner must inform RQIA of any changes in employment.

- 6.6 If a medical practitioner is dissatisfied with the decision of the Appointment Panel, their Medical Director (or nominated senior medical leader) can make representations to RQIA's Appointment Representation Panel (see Appendix 3).

7.0 Removal from the List of Part II Medical Practitioners

- 7.1 In cases where a medical practitioner wishes to be removed from the list of Part II medical practitioners, their Medical Director (or nominated senior medical leader) 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 Part II medical practitioners will be retained by the Appointment Panel Administrator.
- 7.2 The Appointment Panel Chair will formally advise the medical practitioner's Medical Director (or nominated senior medical leader) of their removal from the List 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.
- 7.4 The Appointment Panel reserves the right to suspend or remove Part II 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 and any Board members involved in the Representation Panel process.

9.0 Equality

- 9.1 This Policy in its original format was equality screened on 13 June 2013. 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 Part II medical practitioners 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
- 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 Part II Medical Practitioners

The following criteria must be met for each medical practitioner applying for Part II status:

1. A fully completed referee form.

And

2. 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
- 2b. Confirmation that the medical practitioner has been appointed to the post of consultant psychiatrist and makes applications for Guardianship; and/or
- 2c. Confirmation that the medical practitioner has been appointed to the post of consultant psychiatrist and is gives evidence to, or prepares reports/assessments for, the court under Part III of the Mental Health (Northern Ireland) Order 1986.

And

3. Confirmation that the medical practitioner is registered with the General Medical Council (GMC) and holds a current licence to practise.
4. Confirmation that the medical practitioner has a valid Certificate of Specialist Training (CCT) and is on the Specialist Register of GMC.
5. Confirmation that the medical practitioner is actively participating in activities relating to annual whole-practice appraisal and medical revalidation.
6. 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 of the date of application for Part II status
7. Confirmation that the medical practitioner has an AccessNI Enhanced Disclosure Certificate (or equivalent e.g. DBS Certificate). The Certificate must state that the employing trust is the 'registered body'.

Appendix 2

Application for Appointment to RQIA's List of Part II Medical Practitioners from HSC Trusts only

Please complete all sections.

1.0	Name of the Medical Practitioner	
2.0	Name of Trust	
3.0	Position within the Trust	
4.0	Type of Appointment	
5.0	Requested duration of appointment	
5.1	If medical practitioner is in a substantive post, please indicate if Part II appointment is for 4 years or for 5 years (please refer to guidance notes attached)	
5.2	Please confirm that the applicant is satisfactorily participating in activities relating to annual whole-practice appraisal and medical revalidation	
5.3	Please confirm date(s) of the applicant's last and next medical revalidation	
6.0	What is your professional relationship with the medical practitioner?	<p>I am the medical practitioner's:</p> <p><input type="checkbox"/> Medical Director</p> <p><input type="checkbox"/> Nominated Senior Medical Leader</p> <p>Please specify your role:</p> <p>_____</p>

I, **[inset name of Medical Director (or nominated senior medical leader)]**
confirm that the **Medical Practitioner:**

<p>7.0</p>	<p>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</p> <p>Has been appointed to the post of Consultant Psychiatrist and makes applications for Guardianship; and/or</p> <p>Has been appointed to the post of Consultant Psychiatrist and is gives evidence to, or prepares reports/assessments for, the court under Part III of the Mental Health (Northern Ireland) Order 1986</p> <p>And</p>	<p style="text-align: right;"><input type="checkbox"/></p> <p style="text-align: right;"><input type="checkbox"/></p> <p style="text-align: right;"><input type="checkbox"/></p>
<p>8.0</p>	<p>Is registered with the General Medical Council (GMC) and holds a current licence to practise.</p>	<p style="text-align: right;"><input type="checkbox"/></p>
<p>9.0</p>	<p>Has a valid Certificate of Specialist Training (CST) and is on the Specialist Register of GMC.</p>	<p style="text-align: right;"><input type="checkbox"/></p>
<p>10.0</p>	<p>CCT in:</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>

11.0	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"/>	
12.0	Has an AccessNI Enhanced Disclosure Certificate (or equivalent e.g. Disclosure and Barring Certificate).	<input type="checkbox"/>	
13.0	Please add any other comments you consider to be relevant to the application for the above individual		
14.0	Name	Signature of Medical Director (or nominated senior medical leader)	Date

Documentation required to be returned to RQIA with Part II Application

It is your responsibility to submit the required documentation on behalf of the medical practitioner to allow RQIA to assess this application for Part II appointment.

Please submit the following on behalf of the medical practitioner for whom you are applying for Part II status:

- A completed application form, signed and dated; **and**
- 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 Part II status; **and**
- An AccessNI Enhanced Disclosure Certificate (or equivalent e.g. Disclosure and Barring Certificate) (please see guidance notes).

Appendix 3

Appointment Representations Panel

There is currently no legislative provision for making representations regarding non appointment as a Part II medical practitioner, however in accordance with the principles of fairness, openness and transparency, a Medical Director (or nominated senior medical leader) should be afforded the opportunity to make representations concerning any decision of the Appointment Panel.

In line with the principles outlined above, all Medical Directors (or nominated senior medical leaders) have an opportunity to formally make representations to RQIA if a medical practitioner's appointment is refused by the panel or if they have concerns with how the Appointment Panel came to their decision.

Such representations must be made within 28 calendar days of receipt of the Appointment Panel's decision. The Representations Panel will consider any representations made and will share their final decision with the relevant Medical Director and medical practitioner.

The arrangements for responding to letters of representations are set out in RQIA Standing Order Five.

<M:\MHLDPart II\11. Board Papers\2018\New Procedure\1. P&P&Application&Guidance\Standing Orders>