



Health and Social Care Act 2012

2012 CHAPTER 7

PART 7

REGULATION OF HEALTH AND SOCIAL CARE WORKERS

The Health and Care Professions Council

218 Exercise of function of approving courses, etc.

- (1) The Health and Social Work Professions Order 2001 (S.I. 2002/254) is amended as follows.
- (2) In article 3 (the Council and its Committees), in paragraph (3), at the end insert “(and see also section 114ZA of the Mental Health Act 1983 (approval of courses for approved mental health professionals))”.
- (3) After paragraph (5) of that article insert—

“(5ZA) In the application of paragraph (5) to the functions of the Council that relate to persons who are, or wish to become, approved mental health professionals in England, references to registrants are to be read as including a reference to such approved mental health professionals in England as are not registrants.”
- (4) In article 14 (the Council's education and training committee), after sub-paragraph (b) insert—

“(ba) the setting of criteria under article 15B;”.
- (5) After article 15 insert—

“15A Exercise of function of approving courses for approved mental health professionals

- (1) The function under section 114ZA(1) of the Mental Health Act 1983 (approval of courses for approved mental health professionals in England) is exercisable by the Education and Training Committee.

Changes to legislation: Health and Social Care Act 2012, Section 218 is up to date with all changes known to be in force on or before 30 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) In relation to AMHP courses run outside the United Kingdom, section 114ZA(1) of that Act applies only in relation to courses run by institutions which are approved in accordance with article 15B(3).
- (3) In this article and articles 15B to 18, “AMHP course” means a course of the kind referred to in section 114ZA(1) of the Mental Health Act 1983.

15B Criteria for approving courses for approved mental health professionals

- (1) The Council must set the criteria to be applied in exercising the function under section 114ZA(1) of the Mental Health Act 1983.
- (2) The Education and Training Committee must—
 - (a) ensure that universities and other bodies in the United Kingdom concerned with the provision of AMHP courses are notified of the criteria set under paragraph (1); and
 - (b) take appropriate steps to satisfy itself that the AMHP courses provided by such bodies meet those criteria.
- (3) In performing the function under paragraph (2)(b), the Committee may, in particular, approve or arrange with others to approve institutions which the Committee considers to be properly organised and equipped for conducting AMHP courses.
- (4) The Council must from time to time publish a statement of the criteria set under paragraph (1).
- (5) An AMHP course is to be treated for the purposes of articles 16 to 18 as a relevant course of education or training.”
- (6) In article 16 (visitors), in paragraph (6), at the end insert “; but that does not apply to AMHP courses.”
- (7) In article 17 (information), after paragraph (3) insert—

“(3A) The reference in paragraph (3) to the functions of the Committee under this Order includes a reference to the function under section 114ZA(1) of the Mental Health Act 1983 (approval of courses for approved mental health professionals) in so far as that function is exercisable by the Committee.”
- (8) In article 18 (refusal or withdrawal of approval), after paragraph (1) insert—

“(1A) Where as a result of any visitor's report or other information acquired by the Committee or the Council, and taking account of the observations received from the institution under article 16(9), the Committee is of the opinion that an AMHP course does not meet the criteria set under article 15B(1), it may refuse to approve, or withdraw approval from, the course.”
- (9) In that article—
 - (a) in paragraph (3), after “paragraph (1)” insert “or (1A)”, and
 - (b) in paragraph (6), after “paragraph (1)” in each place it appears insert “or, as the case may be, (1A)”.

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(10) In article 21(1)(a) (Council's duty to establish standards of conduct etc. and give guidance), after “prospective registrants” insert “(including registrants or prospective registrants carrying out the functions of an approved mental health professional)”.

(11) In article 45 (finances of the Council), after paragraph (3) insert—

“(3A) The Secretary of State may make grants or loans to the Council towards expenses incurred, or to be incurred by it, in connection with the exercise of its functions in relation to persons who are, or wish to become, approved mental health professionals in England.”

Commencement Information

II S. 218 in force at 1.8.2012 by [S.I. 2012/1319](#), [art. 2\(4\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)