



**PWYLLGOR DEDDFWRIAETH IECHYD MEDDWL  
MENTAL HEALTH LEGISLATION COMMITTEE**

<b>DYDDIAD Y CYFARFOD: DATE OF MEETING:</b>	05 June 2025
<b>TEITL YR ADRODDIAD: TITLE OF REPORT:</b>	Section 12(2) Doctors – Pay Review
<b>CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:</b>	Andrew Carruthers, Chief Operating Officer
<b>SWYDDOG ADRODD: REPORTING OFFICER:</b>	Dr Warren Lloyd, Medical Director

**Pwrpas yr Adroddiad (dewiswch fel yn addas)**

**Purpose of the Report (select as appropriate)**

Ar Gyfer Trafodaeth/For Discussion

**ADRODDIAD SCAA  
SBAR REPORT**

**Sefyllfa / Situation**

The purpose of this paper is to present to the Mental Health Legislation Committee a request to review the payments made by the Health Board to Section 12(2) Doctors for undertaking assessments under the Mental Health Act, 1983.

**Cefndir / Background**

The Mental Health Act 1983 (MHA) provides for Mental Health Act assessments to be carried out on individuals to establish whether they may be detained under the Act for assessment, care and treatment.

The assessment of patients and the making of formal recommendations for detention under the MHA is a key skill required of senior psychiatrists and assessments require the attendance of two Doctors and one of them must be section 12(2) approved.

A Section 12 approved doctor is a medically qualified doctor who has been recognised under Section 12(2) of the Act. They have specific expertise in mental disorders and have received additional training in the application of the Act. They are usually psychiatrists, although some are general practitioners (GPs) who have a special interest in psychiatry.

The NHS Act 2006 (Section 236) clearly states that under certain terms, the Secretary of State must pay a fee to a medical practitioner who undertakes a medical examination of any person with a view to applying to admit them to hospital for assessment, or for treatment under Part 2 of the Act. This includes the work undertaken including the examination, the report and any expenses reasonably incurred in doing the work.

The Health Board maintains a list of Section 12(2) approved doctors who may be called upon when an assessment is required. It has been reported by the Local Authorities that they struggle to obtain Section 12 Doctors to undertake assessments and as a Health Board there have been delays in undertaking assessments in the community and within District General Hospitals. AMHPs are now regularly forced to consider the use of Section 4 (Emergency admission to hospital with one medical recommendation). The Health Board relies heavily on

a small number of external Section 12(2) doctors to undertake assessments in an already fragile medical workforce.

## **Assessment**

Assessment rates vary from Health Board to Health Board, with the range from £173.37 - £250 per assessment and we understand that Powys THB has negotiated a local rate at £373.37 per assessment.

There is also a range with regards to mileage rates between all the Health Boards, from no mileage payment to 0.58 pence per mile.

Prior to 2005 rates were nationally agreed by Welsh Government, after this time it was left for each Health Board to negotiate their rates. The pay circular at that time was £173.37 and we have not reviewed our rates in line with the cost of living and inflation.

The British Medical Association (BMA) advisory rates for MHA assessments are attached for information.

BMA Rates of pay [Fees for mental health assessments](#)

The recommended fees are set out in the table below.

<b>Time</b>	<b>Fee</b>
Weekday: 7am - 7pm	£240
Weekday: 7pm - 11pm	£315
Weekend: 7am - 11pm	£315
Overnight: 11pm - 7am	£405

There is currently some national discussion to get consistency with rates across Wales and while we wait for a national steer, we suggest that as an interim step we uplift the fee to £250 per assessment.

We are also introducing a proforma for external doctors to complete as part of the assessment. This must be completed and submitted before payment is made, this will be uploaded to the patient's electronic record to ensure thorough assessments are recorded.

[MHA Recording template Apr 25.docx](#)

Fees are paid on receipt of a claim form which Doctors submit on completion of the assessment.

Following the Devon Ruling in January 2021, all assessments for both new detentions and renewals must be carried out in person by psychiatrists and cannot be undertaken virtually.

## **Argymhelliad / Recommendation**

The Committee is requested consider the request for a review of the current fee.

<b>Amcanion: (rhaid cwblhau) Objectives: (must be completed)</b>	
Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor:	10.4.1 Report formally, regularly and on a timely basis to the Board on the MHLC and Scrutiny Groups activity. This includes the submission of a Committee update report, as well as the presentation of an annual report within six weeks of the end of the financial year.
Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	Not Applicable
Parthau Ansawdd: Domains of Quality <a href="#">Quality and Engagement Act (sharepoint.com)</a>	7. All apply
Galluogwyr Ansawdd: Enablers of Quality: <a href="#">Quality and Engagement Act (sharepoint.com)</a>	6. All Apply
Amcanion Strategol y BIP: UHB Strategic Objectives:	All Strategic Objectives are applicable
Amcanion Cynllunio Planning Objectives	All Planning Objectives Apply
Amcanion Llesiant BIP: UHB Well-being Objectives: <a href="#">Hyperlink to HDdUHB Well-being Objectives Annual Report 2021-2022</a>	4. Improve Population Health through prevention and early intervention, supporting people to live happy and healthy lives 8. Transform our communities through collaboration with people, communities and partners

<b>Gwybodaeth Ychwanegol: Further Information:</b>	
Ar sail tystiolaeth: Evidence Base:	British Medical Association documentation
Rhestr Termiau: Glossary of Terms:	
Partion / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Deddfwriaeth Iechyd Meddwl:	MHLSG

Parties / Committees consulted prior to Mental Health Legislation Committee:	
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<b>Effaith: (rhaid cwblhau) Impact: (must be completed)</b>	
<b>Ariannol / Gwerth am Arian: Financial / Service:</b>	Non-compliance with Mental Health Legislation could result in legal proceedings being brought against the University Health Board.
<b>Ansawdd / Gofal Claf: Quality / Patient Care:</b>	SBAR template in use for all relevant papers and reports.
<b>Gweithlu: Workforce:</b>	SBAR template in use for all relevant papers and reports.
<b>Risg: Risk:</b>	Risk of non-compliance with the 1983 Act and with the Welsh Government's Mental Health Act 1983 Code of Practice for Wales; the Mental Health (Wales) Measure 2010 Code of Practice; and with the Good Governance Practice Guide – Effective Board Committees (Supplementary Guidance) Guidance.  Safety of patients  Assurance – use of statutory mechanisms
<b>Cyfreithiol: Legal:</b>	Not Applicable.
<b>Enw Da: Reputational:</b>	Not Applicable.
<b>Gyfrinachedd: Privacy:</b>	Not Applicable.
<b>Cydraddoldeb: Equality:</b>	Not Applicable.