

S12 MHA Assessment Payment Policy

Claiming Medical Fees for MHA assessments – S12(2) approved doctors

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Target audience:	GPs / clinicians who are S12(2) approved to carry out MHA assessments, finance, commissioning managers, mental health trusts, AMHPs

CONSULTATION SCHEDULE

Name and Title of Individual	Groups consulted	Date Consulted
	Staffordshire Clinical Leaders Meeting	25 th June 2019
	AMHP Leads for Staffordshire and Stoke-on-Trent	May – June 2019
Dr Waheed Abbasi	Clinical Director - Mental Health & Specialist Groups, NHS Stoke on Trent & NHS North Staffs CCGs	April – June 2019
Nicola Bromage	Associate Director – Mental Health	Feb – March 2025
Dr Waheed Abbasi	Clinical Lead - Mental Health & Specialist Groups, Staffordshire and Stoke-on-Trent ICB	Feb – March 2025
Staffordshire and Stoke-on-Trent Integrated Care System partners	Midlands Partnership NHS Foundation Trust North Staffordshire Combined Healthcare NHS Trust Staffordshire County Council Stoke-on-Trent City Council	Feb – March 2025

RATIFICATION SCHEDULE

Name of Committee approving Policy	Date
Governing Board Meeting	30 th June 2022
Finance & Performance Committee	27 th August 2019
Finance & Performance Committee	06 th May 2025

VERSION CONTROL

V	Version/Description of amendments	Date	Author/amended by
1	New policy	01.08.19	N. Bucknall
2	Added detail re Find me an S12 doctor app	01.06.22	N. Bucknall
3	Final version approved at Staffordshire CCG Governing Body	30.06.22	N. Bucknall
3.1	Adapted for use by the Staffordshire & Stoke-on-Trent ICB	01.07.22	N.Bucknall
3.2	Reviewed and updated for use by the Staffordshire & Stoke- on-Trent ICB and ICS	23/04/25	Kelly Mandley

IMPACT ASSESSMENTS – available on request

	Stage	Complete	Comments
Equality Impact Assessment			
Quality Impact Assessment			
Privacy Impact Assessment			

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1. Background

- 1.1 The **Mental Health Act (MHA) 1983** (c.20) is an Act of the Parliament of the United Kingdom which applies to people in England and Wales. It covers the reception, care and treatment of mentally disordered persons, the management of their property and other related matters. In particular, it provides the legislation by which people diagnosed with a mental disorder can be detained in hospital or police custody and have their disorder assessed or treated against their wishes, informally known as "sectioning".
- 1.2 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 disorder and have additionally received training in the application of the Act. They are usually psychiatrists, although some are general practitioners (GPs) who have a special interest in psychiatry.
- 1.3 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 admitting him or her to hospital for assessment, or for treatment under Part 2 of the Mental Health Act 1983.
- 1.4 This includes the work undertaken including the examination, the report and any expenses reasonably incurred in doing the work.

2. Scope

- 2.1 This policy sets out to ensure that there are standard and fair rules for the payment of medical examinations undertaken under the Mental Health Act 1983 by doctors approved under Section 12 of the same Act and that patients are examined and assessed promptly

3. Definitions

“Section 12(2) Doctor”

a Registered Medical Practitioner who has expertise in the diagnosis of mental disorder within the meaning of the Mental Health Act 1983 and who has been approved under Section 12(2) of the MHA by the Secretary of State for Health and Social Care.

“Section 12 Payment”

is the payment made to a doctor approved under Section 12 of the Mental Health Act 1983 after a medical examination has been carried out under the same Act.

“Section 12 Work”

is the medical examination undertaken by a doctor approved under Section 12 of the Mental Health Act 1983 as part of a statutory assessment under the same Act.

4. Equality

- This policy has been reviewed in relation to having due regard to the public sector equality duty (PSED) of the Equality Act 2010 to: eliminate discrimination, harassment victimisation; advance equality of opportunity; and foster good relations”.

5. Principles

5.1 An underlying principle of all three contracts is that doctors should not be paid twice for the work they do; as work undertaken during Programmed Activities (PAs) will not attract additional fees.

5.2 This principle applies in equal measure when remunerated by an on-call supplement as part of PA work.

5.3 The doctor undertaking fee-paying work can keep the fee owed **if** they are doing the work in their own time.

- In considering the above principles, it is noted that Section 12 doctors employed by North Staffordshire Combined Healthcare NHS Trust [NSCHT] and Midlands Partnership Foundation Trust [MPFT]) for Staffordshire and Stoke-on-Trent patients do not remunerate their Consultant Psychiatrist’s on call duties with PAs, both Trusts remunerate via an on-call supplement, this arrangement providing payment for on call responsibilities arising as a consequence of providing Consultant cover (s12 and Approved Clinician roles) for service users admitted to inpatient wards in the respective Trusts.
- Both NSCHT and MPFT request and expect the Consultant and Resident Doctors on duty to support urgent requests for Mental Health Act assessments for service users who are not inpatients (this includes s136 assessments wherever is deemed appropriate and for service users in A+E or admitted to the Acute Trusts).
- However, it must be acknowledged that this is extra-contractual and does not fall under the remit of on-call responsibilities. However, NSCHT and MPFT encourage the Consultant and Resident Doctors to facilitate MH Act Assessments, and are entitled to claim fees should they wish.

5.4 The underlying agreements covering Section 12 payments are that:

- A GP / Consultant/ Resident Doctor cannot claim payment for Section 12 work occurring in working hours which is carried out on service users for whom they have responsibility.
- Consultants, and therefore Resident Doctors (previously called Specialist Registrars – SpRs) as they are under the supervision of the Consultant, cannot claim for S12 work carried out in working hours on service users who are currently under their care as inpatients, outpatients or community patients.

5.5 Eligibility Criteria

The Staffordshire & Stoke-on-Trent Integrated Care Board (ICB) will fund MHA assessments by section 12 approved doctors in the following circumstances:

- Patients presenting through the Approved Mental Health Professional (AMHP) service (not already known to MH services)
- Patients requiring MHA assessment in the community (e.g. public places, persons own home, A+E, inpatients at Acute Trusts)
 - Urgent requests in working hours for service users with open episodes of care to the relevant Mental Health Trust should be directed to the Consultant who is responsible for their care
 - The Consultant should make every effort to contribute to the Mental Health Act assessment, this being non fee paying
 - It is accepted that it will not always be possible for the relevant consultant to respond to urgent requests
 - In such circumstances, the request for assessment will default to the on-call Consultant, this being fee paying
 - The Code of Practice emphasizes the importance of CAMHS s12 doctors providing assessments for young people under the age of 18
 - In such circumstances where a Mental Health Act assessment for a young person is required, CAMHS s12 doctors should be approached, this being fee paying unless the young person is already under that doctor's care.
 - It is accepted that in very urgent cases, a CAMHS s12 doctor may not be available within acceptable time frames so that requests will default to the on-call Consultant/ Resident Doctor, this being fee paying, whether within working hours or outside.
- Patients requiring special examination at a place (other than a hospital or NHS clinic) following a request from the police, social services or prison service
- Under the Terms and Conditions, a doctor cannot be paid twice for PA sessions. However, a doctor may claim a fee for carrying out an assessment in PA time for patients not on their caseload **if their normal NHS duties are not affected i.e. planned work is still carried out and overtime is not claimed (please see above notes)**

5.6 Exclusion Criteria

Section 12 fees will not be paid for MHA assessments carried out in the following circumstances:

- Fees may be claimed for assessments for 'section 136' patients at a 'place of safety' except where the assessment is undertaken by the liaison psychiatry team during contracted 'Programmed Activity'
- Patients examined in a mental health trust outpatient clinic or following a GP request for a domiciliary consultation between the hours of 9am – 5pm
- If the doctor is a member of staff at the Trust where the person is their inpatient, however, while it is best practice that the second medical recommendation is provided by a s12 doctor who is independent of the relevant Trust, it is acknowledged that it is sometimes necessary to request a medical recommendation from a s12 doctor from the same Trust (this generally being required when it has been impossible to identify an independent s12 doctor), in these circumstances, the second doctor is eligible to claim a fee.
- Mental Health Trust inpatients that present out of hours to the on-call Consultant or Specialist Registrar
- Reassessments of MHA status for patients not permanently registered with local GPs – these assessment fees should be charged to the responsible ICB

Please refer to Appendix 1

6. Fees

For completed assessments £173.37

Call out fee for failed assessments (e.g. unable to complete assessment - patient is not at the address) – 25% of the full fee

Mileage – the ICB commits to paying the Reserve rate as identified within the NHS Terms and Conditions handbook referenced below.

Prices will be reviewed at least annually and revised where necessary in line with new national guidance / legislation

NHS Terms & Conditions Handbook

<https://www.nhsemployers.org/tchandbook/annex-11-to-15/annex-12-motoring-costs>

Processing Claims

Staffordshire and Stoke-on-Trent ICB aim to process all claims via the S12 solutions app, however the ICB retains the ability to process paper claims which are processed via our Midlands and Lancashire (ML) team.

Paper claim forms using the **Claim form for S12 Medical Fees for MHA assessment**, will still be accepted and will be processed by emailing -

mlcsu.mha@nhs.net however all doctors are asked where possible to use the app as below.

All S12a approved doctors should register on the S12 Solutions website - [Digital Mental Health Act processes | S12 Solutions](#) or by downloading the app using the following links -

[App Store link](#)

[Play Store link](#)

The S12 solutions platform helps AMHPs to access doctors, who are available, quickly and easily. It also supports payment processes (compliant with IG rules)

7. Monitoring & Audit arrangements

The following aspect of this policy will be monitored and audited:

- Fee paid in relation to eligible S12 work only

Audits will also be undertaken when concerns have been raised via internal or external assurance sources e.g. reported incident, legal claim

The local mental health trusts may be asked to participate in audits to ensure payments are being requested appropriately in line with the policy

- Summary of evidence/rationale Mental Health Act 1983 updated 2007
- BMA guidance
- Terms of conditions and Service – Consultant, specialty doctors

<https://www.bma.org.uk/advice/employment/fees/mental-health>

[Consultant contract in England \(bma.org.uk\)](#)
[Terms and conditions of service for specialty doctors \(England\) 2021 | NHS Employers](#)

Appendix 1: BMA guidance – Mental Health Assessment Fees – Flowcharts



Appendix 2: Claim form for Medical Fees for MHA assessment - Staffordshire and Stoke-on-Trent



Claim form for S12
Medical Fees for MHA

Appendix 3: S12 Solutions - DOCTOR/CONSULTANT and AMHP USER GUIDE



(MASTER) Version 2.5.17 - AMHP Platform Guide - Organising Assessments and Creating Claims.pdf



(MASTER) Version 2.5.20 Doctor Platform Guide - Profile Diary and Claims Management.pdf



S12 Solutions Doctor Claim Form Payment Contract (18.12.2023).pdf