

|  |
| --- |
|  |
| **Accepted Precedents** |

|  |
| --- |
| **Calderdale, Kirklees and Wakefield** **Cross Boundary Agreement** |

* This agreement only applies to the Local Authorities of Calderdale, Kirklees and Wakefield (CKW) and residents of CKW.
* For all assessment requests where P is not a resident of CKW, responsibility to consider the assessment lays with the LA where P is at the time the assessment is convened.
* It is agreed that if an assessment is requested, that the home LA is authorised to act on behalf of the LA where the person is currently, in order to comply with legislation in s.13 MHA 83
* Legal paperwork s2 - The LA on whose behalf the assessment is undertaken is always geographically based, ie where P is at the time of the assessment.
* Legal Paperwork s3 – under s13 (1B) and (1C) this is on behalf of the LA identified on the s2 legal paperwork. In practice, it is agreed that the responsibility to undertake the assessment follows the Cross Boundary Agreement guidance below. This means that
* S117 eligibility is not determined by which LA undertakes an assessment but on where P was resident at the time a qualifying period of detention under the Act commences.
* Where one LA undertakes an assessment for a resident of another LA within the CKW boundary, the AMHP will forward a copy of the AMHP Report to the AMHP Lead of the home authority.
* On some occasions one LA may offer support to another LA if the level of referrals is high or capacity low. This is often when P is from LA A but is in LA B at the time of the assessment. This should be negotiated between AMHP Leads in hours and between EDT staff out of hours. There is no expectation that a request for support will be fulfilled but all requests will be considered fully.

|  |
| --- |
| **Referrals during standard working hours of 09:00 – 17:00** |

If P lives in Calderdale, Kirklees or Wakefield:

* The LA in whose area the person normally lives will have responsibility for making arrangements for an AMHP to consider the request.

This will include assessments on individuals who:

* are currently open cases to Mental Health Services
* are previously known but currently closed cases to Mental Health Services
* are new cases (not previously known) to Mental Health Services

As s13(1) MHA states that Local Social Services Authority (LSSA) has the legal responsibility for ensuring that an assessment is considered for a person in ‘their area’ it is important that this information is recorded on the AMHP Report and legal paperwork (if application made). This means that the authorising LA and the LA on behalf of whom the work is done may be different.

**Example:**

* P resides in LA A but receives services from mental health services in LA B as this is where their GP is located. **Good practice discussion to decide which LA has responsibility.**
* P resides in LA A, is detained and is taken under s136 to a POS – LA A is responsible detained under s136 in LA A and taken to POS in LA A – **LA A is responsible**.
* P resides in LA A but is in LA B at the time of the assessment. LA B detains under s2. **Good practice discussion with a view to LA A undertaking any subsequent s3 request as P remains their resident even though LA B undertook the s2.**

If P does not reside in Calderdale, Kirklees or Wakefield:

* The LA in whose area the person is currently located will have responsibility for making arrangements for an AMHP to consider the request.

|  |
| --- |
| **Referrals outside of standard working hours** |

**s.136**

* The LA in whose area the s136 occurred is responsible, regardless of which POS is used.

**Examples:**

* P is detained under s136 in LA A and taken to POS in LA A – **LA A is responsible**.
* P is detained under s136 in LA A and taken to POS in LA B – **LA A is responsible**
* P is found by police in LA A, taken to LA B and then detained under s136 – **LA B is responsible.**
* P is arrested in LA A, taken to a police station in LA B and then detained under s136. **LA B is responsible.**

**Other Requests**

* The LA in whose area the person is currently present will have responsibility for making arrangements for an AMHP to consider the request.

**Example:**

* P is from LA and is a patient at a general hospital in LA B. **LA B are responsible**.

LA B should approach LA A to obtain relevant information and ask if they are able to undertake the assessment. If LA A are unable to do so, LA B will consider the request (subject to the usual prioritisation of workloads undertaken by out of hours workers).

* P is from LA A and on a mental health ward in LA B. **LA A are responsible.**

|  |
| --- |
| **Safety and Escalation** |

All referrals will be considered promptly by the LA with responsibility. It is accepted that each LA’s capacity to consider referrals may vary significantly and each may weigh or prioritise referrals differently.

Should a referrer be concerned that a referral has not been considered, contact should be made to AMHP Lead for the LA who has responsibility to consider an assessment.

|  |
| --- |
| **Disagreement or dispute** |

The use of this guidance should negate any disagreement or dispute. Any complaints or practice issues to be sent to the AMHP Lead for the LA who has responsibility to consider an assessment.

|  |
| --- |
| Agreement date: Review date: Prepared by: Agreed by:  |