

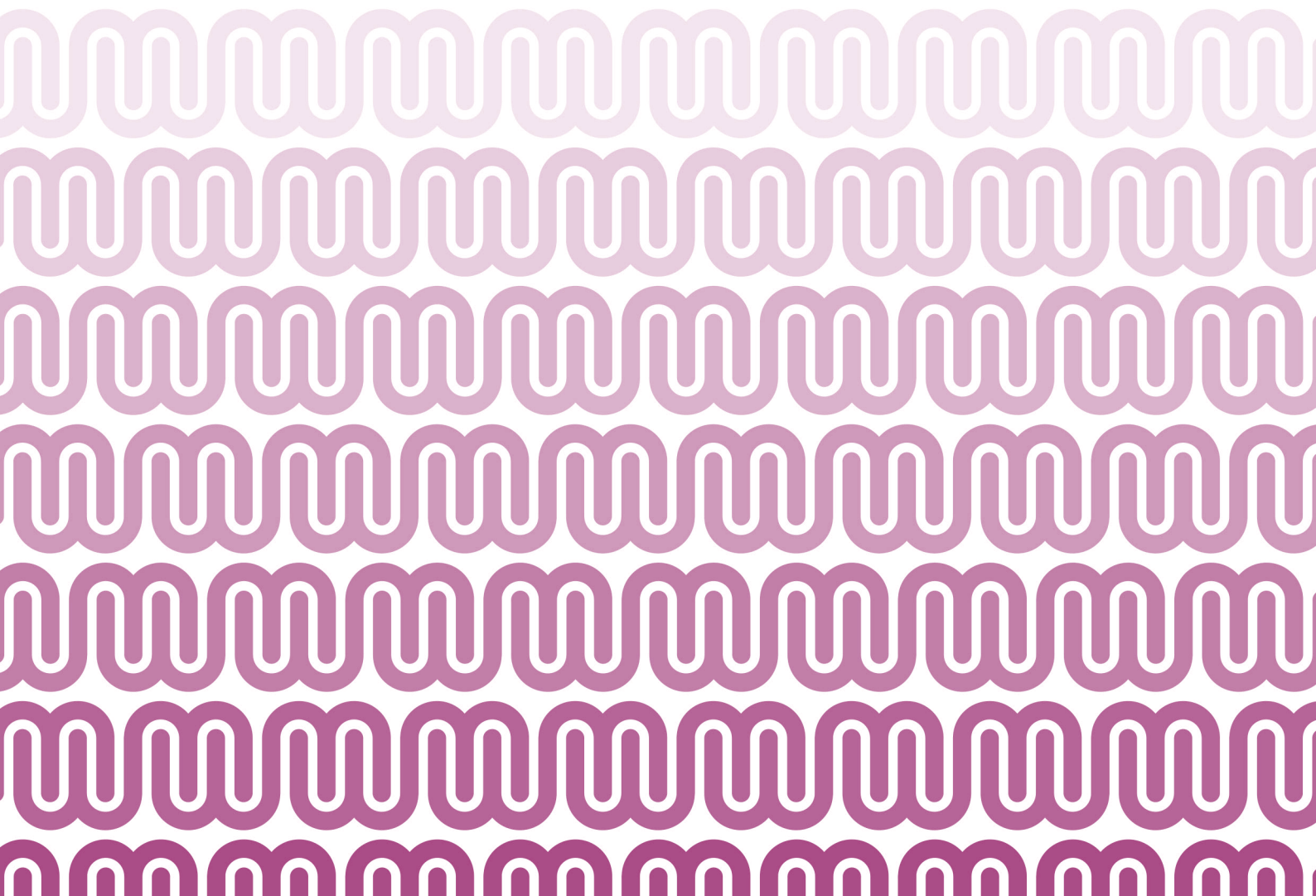


mental welfare
commission for scotland

What to do if a psychiatrist has not completed refresher training and allowed approved medical practitioner (AMP) status to lapse?

Advice notes

July 2025



Our mission and purpose

Our Mission

To be a leading and independent voice in promoting a society where people with mental illness, learning disabilities, dementia and related conditions are treated fairly, have their rights respected, and have appropriate support to live the life of their choice.

Our Purpose

We protect and promote the human rights of people with mental illness, learning disabilities, dementia and related conditions.

Our Priorities

To achieve our mission and purpose over the next three years we have identified four strategic priorities.

- To challenge and to promote change
- Focus on the most vulnerable
- Increase our impact (in the work that we do)
- Improve our efficiency and effectiveness

Our Activity

- Influencing and empowering
- Visiting individuals
- Monitoring the law
- Investigations and casework
- Information and advice

What to do if a psychiatrist has not completed refresher training and allowed approved medical practitioner (AMP) status to lapse?

All AMPs must complete refresher training every five years. We have been informed of situations where AMPs have not undertaken their refresher training. In this situation, their AMP status automatically lapses. See the [statement from the NHS Scotland Deanery](#). We have been asked for our view on what needs to happen if the practitioner has performed AMP duties after status has lapsed.

We gave the following advice to NHS managers:

- Immediately allocate AMP duties to other practitioners until the practitioner completes refresher training and reinstates AMP status.
- Identify all patients whose present compulsory treatment is authorised by, or based on, a medical certificate completed by the practitioner, or where their care and treatment has been under the direction of the practitioner.
- Ensure that all such patients are advised of the situation in order that they can take their own legal advice on their status.
- Ensure that all mental health officers (MHOs) for these patients are aware of the situation.
- Take legal advice from the central legal office (CLO) on the status of compulsory treatment for these patients. The Commission's advice, while not a formal legal view, is that all such compulsory treatment is at least legally challengeable, and that an AMP must urgently reassess the criteria for ongoing compulsory treatment. Unless the order carries restricted status, the AMP should revoke it if the grounds are not met.
- If the grounds for compulsory treatment are met, we think it may be safest to regard the order as not lawfully granted, start afresh, and issue a new certificate or instate a tribunal application depending on the circumstances. This is with the proviso that managers should take legal advice in this situation, especially if the most recent order was granted by a court or tribunal.
- For any order that carries restricted status, managers must discuss the situation with the relevant Scottish Government department.

- It would be courtesy also to inform the Tribunal if it has granted an order on the basis of a report from the practitioner after AMP status has lapsed. But there is nothing the Tribunal can do after the order has been granted.
- Identify all patients whose compulsory treatment has expired but where at least part of that treatment was based on authorisation by the practitioner. Ensure that they are informed in order that they can take legal advice.
- In all the above scenarios, any named person should also be advised. For any patient who is considered by the clinician primarily responsible to lack capacity to understand this information, it would be best practice to inform any welfare attorney or guardian, or primary carer/nearest relative if no attorney or guardian exists.
- While renewal of AMP status is the responsibility of the individual practitioner, NHS Boards should have systems in place to prevent this situation by maintaining a list of timescales for refresher training for all AMPs and monitor the completion of refresher training.



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