

Best Interest Assessor

***Approval and Re-approval
Process***

Contents

	Page
1. Aims of Policy and Process	1
2. Register of Best Interest Assessors	1
3. Training Process	1
Incorporating:	
i. Initial qualifying criterion	2
ii. Availability of training opportunities	2
iii. Candidate- Selection processes	2
4. Approval Process/ Re- approval Process	3
Incorporating:	
i. Insurance issues	3
ii. Authorisation of BIAs from other localities	3
iii. BIAs with gaps in service	3
5. Training & Portfolio requirements	4
Incorporating:	
i. Training requirements	
ii. Paperwork for approval and re-approval	
iii. Aims of policy & Process	

1. Aims of Policy and Process

Best Interest Assessors (BIAs) were introduced in April 2009. Their role is to undertake comprehensive “person centred” assessments to determine whether applications made by Managing Authorities to deprive a person of their liberty meet the legal criterion and are in the person’s best interests, as outlined in the Deprivation of Liberty Safeguards.

All Best interest Assessors are independent practitioners and are governed by their own professional bodies’ codes of conduct.

The Supervisory Body has a duty to ensure that they have sufficient numbers of suitably qualified and experienced BIAs to respond within statutory time frames to Applications made by Managing Authorities (Care homes and Hospitals.)

Within the Devon Supervisory Body there will be Lead Best Interest Assessors located within the centralised Safeguarding team who will manage all incoming work and support those BIAs located within community teams.

2. Register of Best Interest Assessors

A register of appropriately trained BIAs is to be kept centrally by the Deprivation of Liberty Safeguards team.

Within each twelve month period the designated officer **will** ensure that a register of all qualified practising BIAs is kept and updated accordingly.

The designated officer will ensure that

- Each BIA continues to be registered with their professional body,
- Each BIA is undertaking the expected regionally agreed attendance of 6-8 hours per annum training,
- Each BIA is maintaining a practice portfolio.

Mandatory attendance is required at a legal update day (Day for all) within each twelve month period of post qualification and attendance at the BIA Quarterly meeting / peer supervision sessions is encouraged.

Legal update days will be run twice per year to enable ease of attendance and to ensure that each Best Interest Assessor has access to the training within each twelve month period of qualification.

3. Training Process

Incorporating:

- i. Initial qualifying criterion
- ii. Availability of training opportunities
- iii. Candidate Selection processes

i. Initial qualifying criteria for BIA are:-

- The individual must be a suitably qualified professional (as per Department of Health guidance) an AMHP, a Social worker, an Occupational Therapist, Nurse or a Chartered Psychologist.
- The individual practitioner must have a minimum of 2 years post qualifying experience.
- The individual practitioner must have appropriate professional registration (GSCC/NMC/HPC).
- The individual must have successfully completed an approved BIA course.
- A willingness to commit 2 days per month to the BIA rota.
- There must also be agreement from the individual's line manager to undertake this task

ii. Availability of training opportunities for practitioners who wish to undertake BIA training

The Supervisory Body will discharge its statutory obligations for the provision of adequate numbers of suitably qualified and experienced practitioners by offering places in line with the needs of the service on suitably accredited training courses.

Applications will be encouraged from a range of eligible professionals and diverse practice settings.

Places will be offered following a formal selection process which will include provision of supporting statements and interview.

iii. Candidate selection processes

Any selection process will be undertaken in line with equal opportunities policy.

To maintain "approved" status DoH guidance talks in broad terms of "Annual update" training. This has been regionally agreed to incorporate 6-8 hours of appropriate training sessions in a twelve month period.

The Supervisory Body will discharge its statutory obligations for the provision of ongoing BIA training by ensuring that all BIAs have access to a minimum of 1 legal update day per annum.

In addition, BIAs will be encouraged to attend quarterly practice forums and expected to maintain a practice development portfolio which will provide evidence of continued competence to practice.

In the case of Best Interest Assessors who have yet to complete assessments due to pressure of work on community teams or for other suitable reasons, the BIA should liaise with a Lead BIA to discuss ways of demonstrating competence and confidence to practice within the portfolio. Additional shadowing opportunities may be provided. Formal re-approval to practice will be undertaken on a three yearly basis.

4. Approval Process/ Re- approval Process

Incorporating

- i. Insurance issues
- ii. Authorisation of BIAs from other localities
- iii. BIAs with gaps in service

i. Insurance issues

The approval process will confirm the individual's competence to practice and confer indemnity / insurance from the Supervisory body. This Process will mirror those for the approval of AMHPs and will involve the BIA's line manager and the designated officer.

ii. Completion of training / transfer from another LA / Gaps in practice and Independent Best Interest Assessors.

These BIAs will be subject to an initial approval process.

This will:

- Confirm professional qualification and length of experience;
- Confirm professional registration;
- Confirm successful completion of BIA training;
- Where appropriate confirm AMPH status;
- Confirm in writing that the individual's line manager has agreed for them to participate in the BIA rota (two days per month).
- For Independent Best interest Assessors confirmation of indemnity insurance will be required.
- Confirm additional training has been undertaken each year post qualification.

iii. Formal re - approval to be undertaken on 3 yearly basis.

BIAs will be required to attend a formal three-way meeting, to include their line manager and the designated officer, once every 3 years.

The responsibility for convening the meeting lies with the designated officer.

The purpose of the three-way meeting is two fold:

- To ensure that all of the statutory requirements for practicing BIAs continue to be met.

- To review the individual's practice via their portfolio.

This process will enable areas of good practice to be highlighted, along with areas of future development with regard to training, special interests and knowledge.

If specific issues are highlighted at this time around areas of eligibility or legal status to practice, the designated officer in consultation with the BIA and line manager will where possible agree an appropriate action plan.

Re-approval for BIAs will be matched against 'Professional Standards for BIAs' (Appendix 1).

The outcome of the meeting with any additional recommendations will be recorded on form BIA 1 (see Appendix 2 – (ii)).

5. Training and Portfolio requirements.

It is strongly recommended that, to meet the requirements for re-approval, the BIA practice portfolio evidences the following areas of practice

- 1) Record of refresher training undertaken
- 2) Self appraisal to critically reflect competence to practice and self development
- 3) Record / evidence of statutory work i.e. Best Interest Assessments, Eligibility assessments, capacity assessments.
- 4) Completion of two evidence sheets to reflect examples of two areas of practice, decision making process and competence to practice.
- 5) Any additional supporting evidence.

During the initial three year period of the Deprivation of Liberty Safeguards being operational there will be the possibility for the recommended portfolio contents to be negotiated. This is in light of initial lower than predicted application rates and does not discount from the need to evidence good standards of competence and confidence to practice.

Templates for portfolio completion are attached (Appendix 2 – (i)-(v)).

Competence Demonstration

Competence can be demonstrated by evidencing the following points:-

1. Best Interest Assessors will need to demonstrate an understanding of what may constitute a Deprivation of liberty for an individual verses a restriction of movement and the proportionality of both.
2. A clear understanding of the Best Interest principles within the Mental Capacity Act 2005.
3. An application of those principles in practice
4. A sound knowledge of the legislative framework and the practice implications.
5. Commitment to continued practice development within this field of work.

Who holds and maintains the Best Interest Assessor register?

Initially this responsibility will be undertaken within the central team. The responsibility for maintaining and managing this register remains with the Safeguarding Team Manager. This may, with formal agreement, be delegated to the Lead Best Interest Assessors.

Who is the Designated Officer?

The Designated officer is the Safeguarding Team Manager. This responsibility may with formal agreement be delegated to the Lead Best Interest Assessors.

Responsibility for signing off on all Approval / Re-approval documentation

The above responsibility remains with the Safeguarding Team Manager even in cases where they have delegated the responsibility of Designated Officer to the Lead Best Interest Assessors.

APPENDIX 1

Professional Standards for BIAs

1. To demonstrate a clear understanding of the MCA legislation, other related legislation and codes of practice.
2. To accurately apply the range of relevant law, codes, policy and guidance within the professional values of the BIAs' profession.
3. To obtain, analyse and share as appropriate relevant information; compile and complete relevant documentation and provide professional reports.
4. To respect an individuals' needs for choice, dignity and privacy whilst exercising the BIA role.
5. To identify and challenge discrimination, respect individual abilities and diverse backgrounds and enable those assessed and relevant people to contribute to and participate within their abilities to decisions that affect the quality of their life and their liberty.
6. To exercise the appropriate use of authority and autonomy, balanced within a framework of self reflection, consultation and supervision to promote sensitive ethical practice which acknowledges any potential value conflict.
7. To assess and manage risk, anxiety and conflict in the BIA role to produce positive reasonable and proportionate outcomes for the individual.
8. To be able to speak about and explain the BIA role and work effectively with colleagues, carers and people who are involved with the impact of the MCA/DOLS.
9. To understand the implications of mental disorder and mental capacity and the range of treatments and care plans for individuals in residential settings.
10. To be consistently able to work well in complex assessment work to achieve sound person centred decisions.

APPENDIX 2 – (ii)

**BIA REAPPROVAL
EVIDENCE FORM – PART 1**

Case Study			Initials of Client		
Age	Male / Female		Ethnicity		
Living / Family Situation:					
Source of Application:					
Brief History:					
Assessments Undertaken:					
Outcome of Assessment. Any Recommendations / Conditions Set and Why					
Relevant References to the Code of Practice and Statute					
Competencies Demonstrated:					
Comments / Points of Interest / Future Learning:					
Signed:			Date:		

APPENDIX 2 – (iii)

**BIA REAPPROVAL
EVIDENCE FORM – PART 2**

Where a competency was demonstrated (i.e. Ward Meeting, Team Meeting, etc)

Description of Activity:

Details of BIA's Involvement:

Points of Interest:

Any Relevant Legislation:

Competencies Demonstrated

Signed:

Date:

APPENDIX 2 – (iv)

**BIA REAPPROVAL
EVIDENCE FORM – PART 3**

Other Sources of Evidence (i.e. relevant work other than direct client contact – e.g. project work / special interest):

Brief Description:

Background and Objectives:

Who was involved in the Project:

Development Methods Used:

Length of Time:

Outcomes and Future Plans:

Points of Interest:

Competencies Demonstrated:

Signed:

Date:



**DEVON COUNTY COUNCIL
SOCIAL SERVICES DEPARTMENT**

BEST INTEREST ASSESSOR

APPROVAL / REAPPROVAL

RE: (Name) _____

Office Address: _____

I am writing to confirm that, having completed the necessary enquiries, you are appointed to act as a Best Interest Assessor by Devon County Council Social Services with effect from _____
_____.

Your approval is valid for a period of three years, ceasing on the _____,
dependent on yearly clarification of attendance at legal Update Day and registration with
Professional Body.

A copy of this form will be sent to the holder of the BIA Register for inclusion on the Register.

Name _____ Date _____
Designated Team Manager

Office Address _____

Name _____

Date _____

Safeguarding team Manager

Office Address _____
