

Best Interests Assessors – Report Writing

A one day course

The role of the BIA is crucial to the whole DoLS process. The BIA's assessments ensure that a person's human rights are adequately protected. However, the role is challenging and many BIAs feel that in addition to their existing BIA refreshers, they benefit from guidance on adequate record keeping. This course will go over some of the key case law which is relevant to the DoLS documentation and ensure BIAs are more confident in their role. The Steven Neary case was an example of the requirements of sound record keeping by BIAs:

*“Although the framework of the Act requires the supervising body to commission a number of paper assessments before granting a standard authorisation, **the best interests assessment is anything but a routine piece of paperwork.** Properly viewed, it should be seen as a cornerstone of the protection that the DOL safeguards offer to people facing deprivation of liberty if they are to be effective as safeguards at all.”*

Steven Neary v Hillingdon Council [2011] EWHC 1377 COP

WHO IS IT FOR? The course is designed for Best Interests Assessors but may also be attended by Mental Health Assessors under DoLS

- Session 1** The BIA role and report writing – general issues
Assessment of Capacity- Form 7
Assessing capacity the Act and case law
Use or weigh – detailed guidance
What to record?
Exercise 1 – assessment of capacity
- Session 2** Best Interests assessment – Form 10
The person is deprived of their liberty – making a decision
Presenting the evidence of deprivation of liberty – a framework?
Consulting – Part C – importance, Code of Practice
Exercise 2- assessing deprivation & recording
- Session 3** Best Interests – D6
Case law – best interests
Wishes and beliefs – plus case law
Best Interests - consulting
Exercise 3- best interests
- Session 4** Detention is necessary to prevent harm – D7
Detention is proportionate – D8
Conditions – F3 – why and what should they be?
Representatives – procedure for identifying
Exercise 4- Quiz

Aims & Objectives

By the end of the course, BIAs will be:

- Updated/refreshed on the key case law relevant to DoLS forms
- Updated/refreshed on the key areas of record keeping for capacity assessments
- Updated/refreshed on the key areas of record keeping for best interests assessments
- Refreshed on some key established DoLS principles/case law
- Able to practice their role & record keeping through case studies

Training Techniques

Taught, group exercises/case studies, Q&A