BEST INTEREST ASSESSOR TRAINING AND QUALIFICATION

A range of highly practical courses aimed at instilling the core competencies to operate as a Best Interest Assessor (BIA) to best practice
Best Interest Assessor (BIA) Qualifying Course

The Mental Capacity Act 2005 introduced a statutory framework for decisions to be made on behalf of adults who lack capacity to make decisions for themselves about their care or treatment. The Mental Capacity Act 2005 was amended in 2009 by the Mental Health Act 2007 to introduce the Deprivation of Liberty Safeguards. This provides the legal framework to protect the rights and liberties of people who lack capacity to make decisions about their care and treatment for themselves and aims to safeguard people’s best interests.

A best interest assessment is a process to consider authorisation of deprivation of liberty for those people. Statutory organisations need to ensure they have sufficient suitably qualified and trained staff members to undertake the statutory role of the Best Interest Assessor (BIA).

**Bond Solon has been approved by the Department of Health, via the Health and Social Care School at Teesside University, to deliver the BIA qualifying course.**

**The Course**

Masters Level 7 Qualification

**Award:** Cert  **Level:** Postgraduate  **Credits:** 20

Bond Solon’s BIA Qualifying course has been designed to ensure that learners develop an in-depth understanding of, and reflection upon, the specialist knowledge and skills required in completing Best Interest Assessments to best practice.

Over the course, students will take an in-depth exploration of the legal framework, its interpretation through case law, and its application in practice.

They will explore, and gain the ability to work lawfully within the Mental Capacity Act 2005 (MCA), the Mental Health Act 1983 (MHA), the Deprivation of Liberty Safeguards (DoLS, MCA 2005), and their respective codes of practice, and the Human Rights Act 1998 (HRH).

The course is underpinned with a person-centred approach, ensuring services users who may lack the capacity to make decisions about their care or treatment, and who may be deprived of the liberty, are involved in the process.

**Key Learning Outcomes**

- Students will gain the ability to complete the relevant documentation to best practice, and to correctly evidence and record the decision-making process
- Roles and Responsibilities of Best Interest Assessors
- Competent Application of the Five Key Principles of the MCA (2005)
- Considering and Applying the Capacity Test
- Current and Relevant Case Law – Cheshire West and Cheshire and Surrey
- Best Practice in Recording and Record-Keeping
- The Role of Attorneys, Deputies, Independent Mental Capacity Advocates, Public Guardian and the Court of Protection and other Relevant Forums
Course Delivery

The course is comprised of four interactive face-to-face days of training, usually delivered in two blocks of two days over the course of a month. Students are also expected to carry directed self-study.

The course is delivered on an in-house and public basis.

Course Assessments

Bond Solon designed the two stage assessment process to ensure that students not only have a sound understanding of the legal framework surrounding DoLS/BIA, but also, and equally important, that they understand the required skills necessary to be able to complete and act as a Best Interest Assessor to Best Practice Standards.

As such, the course is assessed in two parts and is comprised of a written submission based on a scenario and a reflective account of a direct observation of a best interest assessment being conducted. Students must pass both elements.

Entry Requirement

- At least two years post-qualifying experience as either a social worker, occupational therapist, nurse, or chartered or registered psychologist, and be registered with their professional body.
- A working knowledge of the Mental Capacity Act 2005 and Human Rights legislation.
- It is a requirement that students are able to directly observe a best interest assessment being conducted ‘back in the workplace’ after they have attended the course.

For courses organised in-house, students must be nominated by their employer.

Why Bond Solon

Flexibility
Bond Solon delivers our course at your organisation, on dates suitable for you and your learners. The course is delivered at a suitable location for you, meaning there is no need for staff to travel to a University campus.

Interactive Training
Our Best Interest Assessor (BIA) course has been designed to be interactive throughout so we avoid PowerPoint and lecture-based training. We also cap the sizes of our cohorts to ensure that our course remains interactive.

Practical and skills based
Since the role of a Best Interest Assessors (BIA) is so heavily skills-based, our course majors on group work, exercises and scenario based case studies to ensure a successful skills and knowledge transfer for each learner.
The Course

In order to continue to practice as a Best Interest Assessor, it is required that BIAs have the most up-to-date knowledge, skills and competence to correctly interpret and apply legislation and guidance.

Over the course, delegates will revisit the ethos, values and principles which support the Mental Capacity Act (MCA), particularly in relation to the Deprivation of Liberty Safeguards (DoLS), and their implications for the BIA role in light of the House of Lords Select Committee post legislative scrutiny of both the MCA and DoLS.

Delegates will consider the wide ranging impact and implication of the 2014 Supreme Court Judgement on ‘P v Cheshire West and Chester Council and another’, and ‘P and Q v Surrey County Council’. They will also study the post-Cheshire judgement ‘Re X and others (Deprivation of Liberty)’ and the implications these are having on the Court of Protection.

The interpretation of the legal framework through recent case law will be explored, and the implications these have in daily practice.

Key Learning Outcomes

- Consider the impact of the 2014 Supreme Court judgements
- To understand and apply the Mental Capacity Act 2005 in carrying out capacity assessments in light of recent and relevant case law;
- To reflect and discuss significant case law relevant to the DoLS, from HL v UK to Cheshire West and P & Q to consider
- The role of the Court of Protection in light of Sir James Munby’s recent judgement in X and Others (Deprivation of Liberty)
- To understand the “Acid Test” and the implications for care homes, hospitals, shared lives, supported living and own home situations
- Restriction on, and deprivation of liberty
- To understand and apply the Human Rights Act 1998 – Article 8 and the implications on Article 5 – Right to liberty
- To understand the importance of best practice in the creation, collation and analysis of relevant evidence within the DoLS process
Signatory Training (1 day)

The Course

Professionals are often required to Chair Best Interest meetings and it is essential that they understand the role of the Chair to enable them to convene and chair a successful meeting with a level of confidence and competence in order to achieve positive outcomes for the client using a client focused approach. This practical and interactive training day is designed for DoLS Supervisory Body signatories. The course will look at the new DoLS forms and consider what signatories should expect to see in relation to the evidence and rationale for decisions made.

The training aims to translate the legislation and case law on DoLS into practice, so that signatories can carry out their specific function effectively. The day will also consider the wider impact of the Supreme Court ruling for local authority managers in the delivery of social care and safeguarding adults.

Key Learning Outcomes

- Understand the responsibilities of the Supervisory Body signatory in relation to DoLS
- Understand the statutory basis and functions of a signatory
- Be able to demonstrate the ability to assess the different DoLS requirements in line with the legislation, Code of Practice and relevant case law
- Have improved critical appraisal of the evidence presented on DoLS forms, to ensure compliance with the legislation
The Course

Professionals are often required to Chair Best Interest meetings and it is essential that they understand the role of the Chair to enable them to convene and chair a successful meeting with a level of confidence and competence in order to achieve positive outcomes for the client using a client focused approach. This two day course assists delegates in understanding what is required of them to convene and chair Best Interest meetings. The course will equip those individuals whose responsibility it is to Chair Best Interest Meetings to do so with a full understanding of why best interest decision making is required, what is a best interest meeting and when is it required, who should chair, who is the decision maker, who should attend, preparation before, during and after the meeting, supporting attendees and recording.

The course will equip delegates with a level of confidence and competence to ensure positive outcomes for people.

Key Learning Outcomes

- Demonstrate a working knowledge of all relevant legislation and guidance to include information sharing and confidentiality
- Understand the role and responsibilities of the chairperson
- Manage, co-ordinate and navigate Best Interest Meetings effectively
- Demonstrate an understanding of the importance of facilitating the contribution of individuals from a range of agencies to promote the wellbeing and best interests of the person concerned
- Explore good practice in dispute resolution
- Exploring good practice in chairing meetings
- Formulating and confirming decisions and recommendations
Advanced Mental Capacity Act (1 day)

This interactive one-day course gives delegates a deeper understanding of the Mental Capacity Act, together with the ability to apply the principles competently and confidently to everyday situations.

Advanced Deprivation of Liberty Safeguards (1 day)

This highly practical and interactive course is designed to provide practical application of the Deprivation of Liberty Safeguards in light of the Supreme Court’s judgment on “Cheshire West”.

Report Writing & Court Skills (2 days)

Accurate evidence at the “raising a concern” stage is essential as it informs the scope of “first contact” tasks and decision making duties in the context of adult safeguarding. It informs assessments around capacity and referrals to appropriate advocacy services. Evidence also determines the scope, depth and extent of any subsequent enquiry to ensure appropriate and proportionate responses and personalised outcomes for people.

Find Out More Information About These Courses

Visit: www.bondsolon.com/health-social-care/courses.apx
Bond Solon

Bond Solon is the UK’s leading legal training company, providing training to non-lawyers in legal knowledge, procedure, evidence and skills. We train thousands of Health and Social Care Professionals each year in their legal and safeguarding duties.

We are the market leaders in providing innovative, relevant and experiential courses that are designed to improve performance in the workplace.

Bond Solon Trainers

Bond Solon’s BIA courses are delivered by experienced lawyers. We use lawyers to deliver our BIA courses, as it is during legal proceedings where practice and application may be undermined and discredited. Our lawyer trainers are able to practical guidance and assurances, rather than anecdotal experienced based approaches.

Our trainers are also trained trainers. This allows them to impart knowledge and skills clearly and effectively, while having the ability to engage, support and give guidance to attending students.

Teesside University

The School of Health & Social Care, Teesside University is renowned for its flexibility and responsiveness in meeting the education and training needs of care providers in the public, independent and voluntary sectors. The quality of The School provision has been deemed excellent year on year for the past decade by professional and statutory bodies, the Department of Health and NHS Health Education North. The School is regularly commended for the excellent partnership relationships it has with providers of health and social care.