



**Primary and Community Service Delivery Unit
Service Level Agreement (SLA)
for
Section 12 Approved Doctors undertaking DoLS
Assessments**

September 2019

**THIS IS AN AGREEMENT BETWEEN SWANSEA BAY UNIVERSITY HEALTH
BOARD
AND
THE SECTION 12 APPROVED DOCTOR**

This agreement is signed to take effect as dated the ____/____/20____

Signed on behalf of Swansea Bay University Health Board (SBU HB)

(Name).....

Designation.....

Date

Signature.....

Signed on behalf of The Section 12 Approved Doctor

(Name).....

Date.....

Signature.....

1 PARTNERS TO THIS SERVICE AGREEMENT

1.1 The SLA is between SBU HB Primary and Community Services Unit and the individual contracted to act on behalf of the Health Board as a Section 12 Approved Doctor for the purpose of undertaking DoLS assessments

Section 12 Approved Doctor (Insert name).

2. CONTEXT

2.1 The Section 12 Approved Doctor will work with SB UHB Supervisory Bodies and Managing Authorities to ensure Mental Capacity, Mental health, and Eligibility Assessments are completed in line with requirements under the Mental Capacity Act 2005, Mental Health Act 1983 (amended 2007)

3. PERIOD OF AGREEMENT

- 3.1 This Agreement shall commence on the (first) day of..... 2019 and shall continue until to 2020.

4. TERMINATION

- 4.1 Either party may, at any time for any reason terminate this agreement with immediate effect by giving intension in writing.

5. HOURS OF WORK

- 5.1 The Section 12 Doctor will be commissioned to undertake allocated assessments and complete the necessary documentation for the Deprivation of Liberty Safeguards assessment (DoLS) within requested timeframes by Supervisory Body (SB).

6. PAYMENT

- 6.1 Section 12 Approved Doctor Assessors will receive remuneration of £180.00 on the satisfactory completion of the Mental Health/Mental Capacity/Eligibility Assessments.

7. ACCOUNTABILITY

- 7.1 The role will be accountable to the SBU HB SB who report to the Unit Nurse Director.

8. KEY RELATIONSHIPS

- Unit Nurse Director
- Head of Long Term Care
- Head of Safeguarding
- Head of Nursing
- Best Interest Assessors
- Managing Authorities
- Acute and Mental Health and Learning Difficulties Units
- Supervisory Body
- Deprivation of Liberty Safeguards Team

9. DUTIES

- 9.1 The Section 12 Approved Doctor Assessor will provide a Mental Capacity Assessment, Mental Health Assessment, and Eligibility Assessment for named patients at the request of the SBU HB SB.

The Section 12 Approved Doctor will employ their specialist skills, knowledge and expertise to carry out the following assessments:

- **Mental Health assessment** – determine whether the relevant individual has a mental disorder within the meaning of the Mental Health Act 1983. This is not an assessment to determine whether the person requires mental health treatment – the objective is to ensure that the individual is medically diagnosed as being of “unsound mind”.
- **Mental Capacity assessment** – establish, at the time the decision is needed, whether the relevant individual lacks capacity to decide whether or not they should be accommodated in the relevant hospital or care home to be given care or treatment .
- **Eligibility assessment** – establish if the relevant person is eligible for a Deprivation of Liberty Authorisation

For people within hospitals or care homes throughout SBU HB and on occasion, other SBU HB patients placed out of county.

The appointed Section 12 Dr undertaking assessments will be expected to:

- Organise their time to carry out visits to Relevant Person and Managing Authority within specified time frame.
- Inform the SB if the Sec 12 is unable to complete the assessments within the requisite timeframe with a valid reason.
- Consult with relevant parties and specifically the Best Interest Assessor.
- Ensure they access all relevant records for the purpose of carrying out their assessments, which could include any Health Records, Care Plans, any Local Authority records, any records held by a Care Home, which the Section 12 Approved Doctor Assessor considers relevant to their assessment.
- To keep accurate records of all their consultations and supporting evidence.

- Ensure that GDPR (General Data Protection Regulations) are observed and complied with.
- Obtain, evaluate and analyse complex evidence and take into account differing views and to weigh them appropriately in decision making
- MH assessor is required to consider how the mental health of the person being assessed is likely to be affected by being deprived of their liberty and to report their conclusions to the BIA
- To complete and provide the Supervisory Body with clear assessment, providing sufficient evidence to enable the authoriser to understand how they reached their conclusions and recommendations
- All assessments to be completed within timeframes specified by Supervisory Body. Sec12 to evidence the date /time and purpose of visit in patient health records

10. MANAGEMENT SUPPORT

10.1 The Section 12 Approved Doctor Assessor will work closely with the DoLS Administrator, DoLS Team and the Supervisory Body as required.

11. OUTCOME MEASURES

- Produce high quality clear, evidenced and reasoned reports in accordance with legal requirements and within the timescales: 5 days if an urgent authorisation 16 days standard Authorisation to allow sufficient time frame for SB scrutiny.
- Maintain professional knowledge and skills in relation to the MCA and DoLS through attendance at annual update training in line with statutory requirements and keeping up to date with relevant case law.
- Ensure all assessments undertaken are clearly recorded in individual's medical notes.

11. Essential Requirements:

- The Doctor has to be approved under section 12 of the Mental Health Act 1983, or be a registered medical practitioner with at least three years' post-

registration experience in the diagnosis or treatment of mental disorder, e.g., a GP with a special interest.

- Be able to evidence relevant MCA DoLS Training
- Have Appropriate and valid indemnity insurance
- Have Enhanced DBS
- The Section 12 Approved Doctor must evidence they have updated their DoLS training annually
- The Section 12 Approved Doctor must be re-approved on an annual basis by Supervisory Body to continue to undertake DoLS Assessments for SBUHB in line with legislative requirements.
- The Section 12 Approved Doctor should attend support groups as and when required and organised by DoLS Team.
- The section 12 Approved Doctor must inform the Supervisory Body immediately if there are any changes to essential requirements.



**Primary and Community Service Delivery Unit
Service Level Agreement (SLA)
for
Best Interest Assessor**

**THIS IS AN AGREEMENT BETWEEN
SWANSEA BAY UNIVERSITY HEALTH BOARD
AND
THE BEST INTEREST ASSESSOR**

This agreement is signed to take effect as dated the ____/____/20____

Signed on behalf of Swansea Bay University Health Board (SBU HB)

(Name).....

Designation.....

Date

Signature.....

Signed on behalf of The Best Interest Assessor

(Name).....

Date.....

Signature.....

1 PARTNERS TO THIS SERVICE AGREEMENT

1.2 The SLA is between Swansea Bay University Health Board Primary and Community Services Unit and the individual contracted to act on behalf of the Health Board as a Best Interest Assessor known as BIA.

Best Interest Assessor..... (Insert name).

2. CONTEXT

2.1 The BIA will work with SB UHB Supervisory Body and Managing Authorities to ensure Best Interest Assessments are completed in line with requirements under the Mental Capacity Act 2005, Mental Health Act 1983 (amended 2007)

3. PERIOD OF AGREEMENT

3.1 This Agreement shall commence on the (first) day of..... 2019 and shall continue until to 31st March 2020.

4. TERMINATION

4.1 Either party may, at any time for any reason terminate this agreement with immediate effect by giving intension in writing.

5. HOUR OF WORK

The internal Best Interest Assessor (BIA) will have 2 days release to undertake assessments and for the completion of documentation for the Deprivation of Liberty Safeguards assessment (DoLS).

6. PAYMENT

5.1 Independent Assessors will receive remuneration of £120.00 for each quality assured assessment completed. Internal BIA's are paid under their current Terms and Conditions of Employment.

7. ACCOUNTABILITY

7.1 The role will be accountable to the SBU HB Supervisory Body who reports to the Unit Nurse Director.

8. KEY RELATIONSHIPS

- Unit Nurse Director
- Head of Long Term Care
- Head of Safeguarding
- Head of Nursing
- Other Best Interest Assessors
- Managing Authorities
- Acute and Mental Health and Learning Difficulties Units
- Supervisory Body
- Deprivation of Liberty Safeguards Team

9. DUTIES

9.1 The BIA will provide either:

- i. a best Interest Assessment for named patients

- or
- ii. a Mental Capacity Assessment as appropriate

at the request of the SBU HB Supervisory Body.

The BIA provides an independent and objective view of whether or not there is a genuine justification for deprivation of liberty taking into account all the relevant views and factors under Article 5 of the Human Rights Act 1998 (amended 2007) without scrutinising clinical decision.

The BIA will employ their specialist skills, knowledge and expertise to carry out the following assessments:

- **No Refusals**
- **Age**
- **Best Interest Assessment or Mental Capacity Assessment**
- **Review of a Standard Authorisation**

or

- **Recommend a Relevant Persons Representative (RPR) or Paid RPR**

For residents within hospitals or care homes throughout SBU HB and on occasion, other SBU HB residents placed out of county.

In carrying out their assessments they will be expected to:

- Organise their time to carry out visits to Relevant Person and Managing Authority
- To consult with all relevant interested parties including family or friends, the Managing Authority, Sec 12 Assessor and where appropriate IMCA.
- The BIA will ensure they access all relevant records for the purpose of carrying out these assessments, which could include any Health Records, Care Plans, any records which the BIA considers relevant to their assessment.
- Assess if the care plan and the restrictions placed upon them are in the person's best interests
- Assert a best interests perspective and make properly informed independent decision.
- Obtain, evaluate and analyse complex evidence and differing views and to weigh them appropriately in decision making.

The BIA must come to an opinion on this wide range of matters, and provide sufficient evidence to enable the authoriser to understand how they reached their conclusions and recommendations. The evidence must be detailed, and show:

- Have regard to the conclusions of the Mental Health Assessor about the impact of the deprivation of liberty upon the person.
- Have regard to any relevant needs assessment and care plan.
- To ensure entry is made in the Relevant Persons Health (RPR) Records to evidence date, time and purpose of visit.
- To keep accurate records of all their consultations and supporting evidence.
- Identify if the person has made an advanced decision or has a Lasting Power of Attorney in place or Court Appointed Deputy.
- Identify if care plans amount to a deprivation of liberty as defined by the above legislation and case law.
- As good practice if BIA recommends conditions they need to be written in SMART format (Specific, Measurable, Achievable, Relevant, Time Specific), conditions need to relate to the deprivation of liberty and without the conditions it would cease to be in the person's best interests, or that might reduce the need for ongoing deprivation of liberty, or lessen the impact of the deprivation on the relevant person.
- Where the BIA is recommending conditions they should discuss these with the MA before finalising the assessment.
- The BIA to recommend a time frame for the Authorisation evidencing their rationale and consideration of case law.
- The BIA to recommend an eligible person to be appointed as the RPR, evidencing their rationale for reaching this decision.
- BIA must complete and provide their assessments to the Supervisory Body (SB) within the legal time frames (5 days – urgent and 16 days – standard).
- Inform the SB if unable to complete assessments within the requisite time frame with a valid reason.

10. MANAGEMENT SUPPORT

- 10.1 The BIA will work closely with the DoLS Administrator and the SB as required. The commissioners of their Agents reserve the right to contact the BIA's to clarify any queries regarding their assessments.

11. OUTCOME MEASURES

- Produce high quality clear and reasoned reports in accordance with legal requirements and within the allocated timescales (5 days urgent, 16 days standard to allow sufficient timeframe for SB scrutiny)
- Maintain professional knowledge and skills in relation to the MCA and DoLS through self-learning and attendance at annual update training in line with statutory requirements and keeping up to date with relevant case law.
- Ensure all assessments undertaken are clearly recorded in individual's medical notes.

12. ESSENTIAL REQUIREMENTS

- Are a qualified Social Worker, Nurse, Occupational Therapist or Chartered Psychologist with at least 2 years post registration experience or an Approved Mental Health Professional.
- Be able to evidence relevant MCA DoLS Training.
- Have appropriate and valid indemnity insurance.
- Have Enhanced DBS
- BIA must evidence they have updated their training annually.
- BIA must have formal re-approval to practice undertaken on an annual basis in line with current BIA Approval and Re-approval Policy.
- BIAs must attend BIA support groups organised by the DoLS Team.
- BIA must inform SB immediately of any changes to eligibility criteria as per SBU HB BIA Approval and Re-approval Policy and Process.