

Best Interests Assessor ^{*1}
(Focus / NAViGO / Care Plus / ICB / NELC)

BIA to review the 'Objections Log' along with any actions undertaken by the Managing Authority or other parties (i.e. around any conditions imposed, which may alleviate the objections). If objections have not been negated and still exist, the BIA to: -

BIA to have detailed discussions with the RPR (whether paid or unpaid) around objections and the challenging of the DoLS. It is important to understand why no application has yet been made.

If the RPR (*unpaid*) does not understand or seems unwilling or unable to pursue a challenge, they should not be recommended for reappointment.
Unless there is an appropriate family member / friend willing to take prompt action, the BIA to recommend a Paid RPR and to explain to the original RPR why they are no longer eligible to act as RPR.

If the RPR (*unpaid*) does appear able and willing to challenge the DoLS, the BIA to consider a 39D IMCA referral to assist with consideration and pursuing a 21A Challenge. The BIA must make clear at this point that if the objections persist a challenge is expected and the reason for the further 3 month authorisation is to facilitate this.

BIA to consider referring to NELC Legal Team for an informal discussion / advice if they are unsure of the best course of action. BIA to put another short duration on the DoLS (no more than 3 months), to facilitate the submission of the application. Explain to the RPR that this is the key purpose of the further short Authorisation.

BIA to put the following 3 objection conditions on their assessment: -

Condition No.1 – Log Objections and mitigating actions

The Managing Authority (Care Home Manager) will make a detailed log of any established objections to the placement and/ or care provided (starting from the date of authorisation), detailing the type of objection and any actions taken to attempt to mitigate such objections.

The Managing Authority will then:

- Supply the Supervisory Body with a summary of findings from the Objections Log no less than 6 – 8 weeks before expiry of the authorisation and/ or at any DoLS review, whichever is the soonest
- Make the 'Objections Log' available to the Supervisory Body when requested and when any DoLS review and/ or repeat DoLS assessments are carried out by the Supervisory Body's Best Interests Assessors. This includes any assessments or investigations made as part of court proceedings.

Condition No. 2 – Actively Scope objections

The Managing Authority (Care Home Manager) will work with the Relevant Person's Representative (RPR) to facilitate a rigorous programme of activity designed to establish the nature of any objection expressed by [] to the placement and/ or care provided and whether and what action could be taken to remove or reduce []'s objection. As a minimum, this programme of activity must include a mid-authorisation review of progress in establishing objections and mitigating actions, on which the Managing Authority must report to the Supervisory Body

Condition No.3 – Involve others in scoping objections

The Managing Authority (Care Home Manager) will notify []'s [case worker/ relevant support worker etc.] of the intended programme of activity in order that they may be involved in consideration of whether and what action could be taken to remove or reduce []'s objection

Panel Responsibility: -

Panel BIA must read the BIA assessment for any signs of 'objection' and ensure that appropriate condition(s) are imposed and must indicate on the Panel Checklist that objections are evident.

DoLS Team Responsibility: -

Enter the case on the Objections / s21A Challenges spreadsheet

If there is an 'unpaid' RPR – send to them information around how to challenge a DoLS.

Incorporate in to the Managing Authority email a 'suggested' objections log for their use.

Notify the legal team where an application is being explored or is intended.

¹To be read in conjunction with the detailed 'Guidance for BIAs re s21A in the DoLS Operational Handbook