Death of a Supported Person Procedure

Procedure Reference:		CS11b	
Related Policy:		CS11	
Effective date:	March 2024	**Review date:**	March 2029
Approved by P&PRG:		Oct 2023	
Owner:	Neil Armstrong	**Job Title:**	Assistant Director, Care and Support

To be issued to: (check as needed)

☐ Board of Management	☒ OD
☐ All Staff	☒ Compliance
☐ ET/SLT	☒ All Care & Support
☐ Head Office Managers	☒ C&S Managers (RM, OM, CSM)
☐ Head Office Staff	☒ C&S Staff
☒ Finance	☐ Contractors
☒ Housing	☒ Agency Staff
☐ Asset	☐ Unite the Union
☐ ICT	☐ Employee Voices Group
	☐ Other: ______________________________

Method of Delivery (check as needed)

☐ Learn Pro	☐Policy Owner to Notify (e.g. Contractors)
☐ Board Portal	☐ Other: ____________________________
☐ Line Manager to Share (eg. Agencies)	____________________________________

Stakeholder Consultation Completed (check as needed)

☒ Board of Management	☒ OD
☐ All Staff	☒ Compliance
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☐ Head Office Staff	☒ C&S Staff
☒Finance	☐ Contractors
☒ Housing	☒ Agency Staff
☐ Asset	☐ Unite the Union
☐ ICT	☐ Employee Voices Group
	☐ Other: Supported Individual Group

Version Control

Date	Owner	Version	Reason for Change
Oct 23	Scott Benzie	1	Cyclical Review

Summary of Changes

Section	Change
All	New policy template
All	To include AIMS

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Contents

1.0 Introduction

These procedures and the related policy should be considered for all the people we support, as preparation for death and dying may be an important part of an individual's support plan.

1.1 Relevant Policies and Procedures

This procedure is aligned with policy **CS11 Death and Dying**

It must be read and understood in conjunction with:

- G57a-Adult Support and Protection.
- CS22a Duty of Candour.
- G55 Equality & Diversity.
- HR39 On Call.
- HS01 Health & Safety.
- HS03 Risk Assessment.
- HS04 Reporting of Incidents.
- HS12 Lone Working.
- HAM01h – Action on the death of a tenant.

2.0 General

2.1 Recording supported people's wishes.

Individuals should be supported to record their wishes regarding dying, death and funeral arrangements as part of their Good Life Support Plan/Risk and Vulnerability (R&V) with this information located in the My Emergency Details and Financial Section of Ark Information Management System (AIMS). Individuals with a life-limiting condition who have an Advanced Care Plan should use this to record these. Good Life Support Plans/R&V must note where any plans/wishes relating to death and dying are stored.

People important to the individual should be involved in this planning where appropriate and with the individual's consent. This may include but is not limited to, family, guardians and advocates.

The individual should be supported to make a will should they choose.

Care & Support Staff may contact the local authority or Scottish Council for Voluntary Organisations if required to help source an appropriate agency to support an individual to write a will.

Making a will is a legal process and Care & Support staff must ensure that individuals are able to access appropriate legal advice.

Individuals should be supported to plan how they will distribute their personal effects in the event of their death. This must be recorded in their Good Life Support Plan/R&V, Advanced Care Plan or their will. Care & Support staff supporting an individual with this must not be named as beneficiaries or as executors of a will.

Care & Support staff may support individuals with preparing for funeral costs through the purchase of insurance policies or approved funeral bonds. Funeral bonds must be person-centred and specific to the individual.

Please see: **CS05 Supporting with Money.**

2.2 Adults with Incapacity

All adults are assumed to have capacity until proven otherwise.

If there are concerns about an individual's capacity, the Care & Support Manager must raise this with the appropriate agency; likely to be the relevant health and social work professionals, as well as the individual's family if appropriate.

An adult with incapacity is unable to make a will. Care & Support teams must consult with the appointed legal guardian regarding funeral arrangements and costs, and the disposal of personal effects.

Where an adult with incapacity does not have a legal guardian in place with the power to make these decisions, it is the statutory duty of the local authority to arrange these. Care & Support teams should contact the individual's care manager in the first instance.

The principles of the Adults with Incapacity (Scotland) Act 2000 are clear that the individual's wishes prior to losing capacity must be considered when decisions are made by a guardian.

If Care & Support teams have any recordings or information on the individual's preferences prior to losing capacity, they must make the legal guardian aware, so that these can be considered. This is particularly relevant where individuals have lost capacity due to dementia or an acquired brain injury.

2.3 Discovery of the death of a supported person

If a Care & Support staff member discovers a supported person has died, or a supported person dies suddenly and unexpectedly at home they must refer to the 'Incident/Major Accident Reporting Flowchart' in **HS04 – Incident Reporting**

The Care & Support staff member must:

- not touch the individual or any items in their home.
- not alter the scene.
- call 999 and ask for an ambulance.
- call the police.
- call their manager, or Management on Call (MOC) if out-of-hours.

The Care & Support Manager / Operations Manager will inform their Regional Manager, who in turn will advise their Assistant Director.

The Care & Support staff member will begin to record all proceedings in an incident log.

The Care & Support Manager / Operations Manager of the service will take the role of 'incident officer' and will be the point of contact for internal and external communications.

2.4 Reporting and informing

If the individual has died at home, the Care & Support staff member and the manager supporting them will decide who is to inform their next of kin / family. If the individual dies in hospital, it may be that hospital staff will complete this task.

The Care & Support staff member – or Incident Officer – will advise the individual's GP at the earliest opportunity.

The Care & Support staff member – or Incident Officer – will advise the Health & Social Care Partnership, by calling the individual's social worker, the duty social worker or out-of-hours social work, as soon as possible.

The Incident Officer will notify the Care Inspectorate, initially by email, within 24 hours – or at the earliest opportunity if the death happens at the weekend. The appropriate e Form notification must be submitted as soon as all the information required to complete this is gathered.

The Incident Officer will advise colleagues in Ark's Compliance and Improvement, Finance and Housing (where relevant) departments to ensure any relevant processes can be implemented.

3.0 Proceedings following a death.

3.1 Registering a death.

The death should be registered as soon as possible and must be within 8 days.

It is the responsibility of the next-of-kin to register the death. Care & Support teams must provide access to all documentation required if this was in the possession of the individual. This includes the individual's birth certificate; marriage certificate and details of any welfare benefits the individual was receiving.

Where there is no next-of-kin, the social work care manager is responsible for registering the death.

Ark can take on the responsibility for registering the death if there is no other appropriate person or agency. Agreement and funding for this service must be received in writing.

Details of how to register a death are available on the Scottish Government website, titled 'How to register a death in Scotland'.

'Tell Us Once' is a service that allows you to report a death to most government organisations at once. When registering the death, the registrar will advise if this service is available, how to contact them and provide a unique reference number to use.

The Incident Officer must ensure that a copy of ''what to do after a death in Scotland'(Scottish Government 2017) is available for the staff team to reference

3.2 Funeral arrangements

The Incident Officer must advise the executor of the will if one is in place.

It is the responsibility of the individual's next-of-kin or executor of the will to make the funeral arrangements. Care & Support staff should share any information recorded about the supported person's wishes for their funeral with their next-of-kin or executor.

If there is no next-of-kin or executor, the local authority has a statutory duty to make the funeral arrangements.

The local authority may delegate this duty to Ark should this be appropriate if Ark are still receiving funding for the individual or funding has been agreed in writing.

Ark cannot make decisions regarding funeral costs. The local authority may delegate this to Ark, but this must be agreed by the Operational Management Team

If the individual does not have sufficient funds to cover funeral costs, advice may be sought from the Department of Work and Pensions before making funeral arrangements.

4.0 Legal and financial arrangements

4.1 The individual’s estate

The executor of the should instruct the estate.

Care & Support staff should provide all relevant documentation that was in the possession of the individual. This includes passport, birth certificate, welfare benefit award notices, bank statements and account details, funeral bonds, insurance policies, and so forth.

Information on where these documents are stored should be in the Good Life Support Plan/R&V in the My Emergency Details and Finance section.

The Incident Officer should ensure all documentation given to the next-of-kin or executor is recorded and signed for.

The Incident Officer should ensure all Ark documentation – finance/medication recording and so forth – is removed from the individual’s home and retained as per legislative requirements.

An inventory of the individual’s possessions should be prepared and given to the next-of-kin or executor. A copy of this should be signed by both the Incident Officer and the next-of-kin/executor and kept.

4.2 Bank accounts

The executor/next-of-kin should inform the individual’s bank of their death. If there is no executor or next-of-kin, this task is the responsibility of the social work care manager.

If Ark manages a trust account on behalf of the individual, please refer to **CS05b Supporting with Money.**

This task can be delegated to Ark, with agreed payment and written confirmation from the care manager.

4.3 Welfare benefits

The Incident Officer must ensure the Department of Work and Pensions / His Majesty’s Revenue and Customs / Social Security Scotland are informed so that welfare benefits cease. The registrar will offer to do this as part of registering the death.

4.4 Tenancies and homeownership

The Incident Officer will initiate the void process by following Ark's **HAMO1h-Action on the death of a tenant Procedure** if the individual was also an Ark tenant.

The individual's room or home should be cleared of all personal possessions. These form part of the individual's estate and are subject to instruction from the next-of-kin or executor.

If the individual was a local authority tenant, it is the responsibility of the social work care manager to organise house-clearance. This task may be delegated to Ark if the service is still being funded, or funding is agreed in writing.

Properties with a mortgage or owned outright become the responsibility of the executor. Where an individual dies without a will, ownerless property may be claimed by the Crown. It is the responsibility of the local authority to contact the King and Lord Treasurer's Remembrancer in this instance. This may be delegated to Ark if it is agreed in writing with the care manager.

4.5 Finance

The Incident Officer will be aware of the payment terms of the contract relating to the supported person's care package and will advise their finance business partner of the individual's death and when payments will cease.

Care & Support Management must complete an SL3 form and forward this to Finance Colleagues.

5.0 Support

Care & Support staff supporting an individual at the time of their death will be supported by the manager they initially contacted.

The Care & Support staff member's line manager will undertake an incident debrief with them as soon as possible.

The Care & Support Manger will bring the team together as soon as reasonably practical after the individual's death.

Care & Support staff will be reminded of - and provided access to – Ark's confidential counselling helpline.

Care & Support staff will ensure that other supported people receive help and support regarding bereavement. This may be organised in partnership with the Participation Officer.

6.0 Implementation and Review

6.1 Implementation

Care & Support Managers / Operations Managers are responsible for the implementation of these procedures by their Care & Support staff teams.

6.2 Review

The Regional Managers' group is responsible for the review of these procedures, every 5 years. Any changes to the associated policy as a result must be submitted to the Board of Management for approval.