

Death of a Supported Person Procedure

Procedure Reference:		CS11b	
Related Policy:		CS11	
Effective date:	May 2020	Review date:	October 2023
Approved by SLT:		May 2020	
Owner:	Colin Phillips	Job Title:	Assistant Director – Care & Support
To be issued to:		ARK Management Care & Support Staff	
Method of Delivery:		Email Policy LearnPro Policy Briefing Sheet	

Version Control

Date	Owner	Version	Reason for Change
Jun. 2020	Nikki Fildes	4.2	Title amended due to merge of associated policy with CS19
May 2020	Nikki Fildes	4.1	SLT feedback: addition of home-ownership, refer to 'staff' consistently
Apr. 2020	Nikki Fildes	4	New procedure template



Death of a Supported Person Procedure

Contents

1.0 Introduction	3
1.1 Relevant Policies and Procedures	3
2.0 General.....	3
2.1 Recording supported people’s wishes	Error! Bookmark not defined.
2.2 Adults with incapacity.....	4
2.3 Discovery of the death of a supported person	4
2.4 Reporting and recording	5
3.0 Proceedings following a death.....	6
3.1 Registering a death	6
3.2 Funeral arrangements.....	6
4.0 Legal and financial arrangements	7
4.1 The individual’s estate	7
4.2 Bank accounts	7
4.3 Welfare benefits	7
4.4 Tenancies and home-ownership.....	8
4.5 Finance	8
5.0 Support.....	8
6.0 Implementation and Review.....	9
6.1 Implementation	9
6.2 Review	9

1.0 Introduction

These procedures and the related policy should be considered for all of 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 of a Supported Person**

It must be read and understood in conjunction with:

- CS03 Adult Support & Protection
- CS19 Palliative & End of Life Care
- CS22 Duty of Candour
- HR04 Equality & Diversity
- HR39 On Call
- HS01 Health & Safety
- HS03 Risk Assessment
- HS04 Incident Reporting
- HS12 Lone Working

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. Individuals with a life-limiting condition who have an Advanced Care Plan should use this to record these. Good Life Support Plans 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 Practitioners 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, Advanced Care Plan or their will. Care & Support staff supporting an individual with this must not be named as beneficiaries.

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 Service Users in Managing their 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 taken into account 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 taken into account. 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

In the event that 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 policy
- call their manager, or Management On Call (MOC) if out-of-hours

The Care & Support Manager / Registered Operations Manager will inform their Area 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 / Registered 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 eForm 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 Quality & Compliance, 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 when someone dies' (Scottish Government) 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 Senior Leadership 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 will 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

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 – Good Life Support Plans, 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 Trust Accounts and 'Access-to-funds'**

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 / Her 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 home-ownership

The Incident Officer will begin the void process 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 Queen 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.

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

6.2 Review

The Area Managers' group is responsible for the review of these procedures, at least every 3 years. Any changes to the associated policy as a result must be submitted to the Board of Management for approval.